United Nations S/PV.6064

Security Council

Sixty-fourth year

Provisional

6064th meeting

Wednesday, 14 January 2009, 10 a.m.

New York

President:	Mr. Ripert	(France)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	Japan	Mr. Okuda
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Mexico	Mr. Heller
	Russian Federation	Mr. Dolgov
	Turkey	Mr. İlkin
	Uganda	Mr. Butagira
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Le Luong Minh

Agenda

The situation in Chad, the Central African Republic and the subregion

Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2008/760 and Add.1)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

09-20757 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Chad, the Central African Republic and the subregion

Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2008/760 and Add.1)

The President (*spoke in French*): I should like to inform the Council that I have received letters from the representatives of the Central African Republic and Chad, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Poukré-Kono (Central African Republic) and Mr. Allam-mi (Chad) took seats at the Council table.

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/29, which contains the text of a draft resolution submitted by France. Members of the Council also have before them documents S/2008/760 and addendum 1, which contain the report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

The President (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1861 (2009).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 10.20 a.m.

United Nations S/PV.6065

Security Council

Sixty-fourth year

Provisional

6065th meeting

Wednesday, 14 January 2009, 10.20 a.m.
New York

President:	Mr. Ripert	(France)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	Japan	Mr. Okuda
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Mexico	Mr. Heller
	Russian Federation	Mr. Dolgov
	Turkey	Mr. Ilkin
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Le Luong Minh

Agenda

Peace and security in Africa

Letter dated 11 September 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/602)

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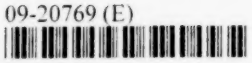
09-20769 (E)



The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Peace and security in Africa

Letter dated 11 September 2008 from the Secretary-General addressed to the President of the Security Council (S/2008/602)

The President (*spoke in French*): I should like to inform the Members of the Council that I have received letters from the representatives of Djibouti and Eritrea, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Olhaye (Djibouti) and Mr. Desta (Eritrea) took seats at the Council table.

The President (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/25, which contains the text of a draft resolution submitted by France.

Members of the Council also have before them document S/2008/602, which contains a letter dated 11 September 2008 from the Secretary-General addressed to the President of the Security Council.

I wish to draw the attention of members to document S/2008/766, which contains the text of a letter dated 4 December 2008 from the Permanent Representative of Djibouti, and to document S/2009/28, which contains the text of a letter dated 12 January 2009 from the Permanent Representative of Eritrea.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Austria, Burkina Faso, China, Costa Rica, Croatia, France, Japan, Libyan Arab Jamahiriya, Mexico, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

The President (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1862 (2009).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.25 a.m.

United Nations S/PV.6066

Security Council

Sixty-fourth year

Provisional

6066th meeting

Wednesday, 14 January 2009, 10.25 a.m.

New York

President:	Mr. Ripert	(France)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	Japan	Mr. Okuda
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. İlkin
	Uganda	Mr. Butagira
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Le Luong Minh

Agenda

Protection of civilians in armed conflict

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09-20780 (E)

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President (*spoke in French*): I propose, with the consent of the Council, to invite those countries inscribed on the list of speakers to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the following countries took the seats reserved for them at the side of the Council Chamber: Afghanistan, Argentina, Australia, Azerbaijan, Bangladesh, Belgium, Brazil, Canada, Colombia, Czech Republic, Egypt, Finland, Indonesia, Islamic Republic of Iran, Israel, Italy, Jordan, Kenya, Kuwait, Liechtenstein, Morocco, Myanmar, New Zealand, Nicaragua, Pakistan, Qatar, Sudan, Switzerland, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania, Uruguay and Bolivarian Republic of Venezuela.

The President (*spoke in French*): I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Archbishop Celestino Migliore, Apostolic Nuncio, Permanent Observer of the Holy See to the United Nations.

There being no objections, it is so decided.

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to the United Nations to participate in the meeting, as requested in a letter dated 13 January 2009, the text of which is contained in document S/2009/31, and in accordance with the provisional rules of procedure and the previous practice in this regard.

There being no objections, it is so decided.

I propose, with the consent of the Council, to extend an invitation under rule 39 of the Council's provisional rules of procedure to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

The Council will now begin its consideration of the item before it.

At this meeting, we will hear a briefing by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

I now give the floor to Mr. Holmes.

Mr. Holmes: Thank you, Mr. President, for this opportunity to brief the Council this morning. I will cover a number of urgent issues, but the main focus today must be the conduct of hostilities and the need for strict compliance with international humanitarian law.

The current situation in southern Israel and Gaza is pressing and desperate. Civilians in southern Israel have long had to live under constant threat of rocket and mortar attacks by Palestinian militants. Considering the number of rockets and mortars fired, civilian casualties have been limited, but the frequent and indiscriminate nature of these attacks inflicts severe psychological suffering. Four Israeli civilians have been killed and dozens injured since the current hostilities began.

These attacks are contrary to international humanitarian law and must cease. Yet any Israeli response must itself comply with international humanitarian law. Here too, there is considerable and grave cause for concern. The population of Gaza was already suffering severely after more than 18 months of closures. Since the current hostilities started, the Palestinian Ministry of Health reports, as of yesterday, 13 January, that the number of Palestinian casualties stands at 971 killed, of whom 311 are children and 76 women, and 4,418 wounded, of whom 1,549 are children and 652 are women. Many of the male casualties are no doubt also civilians. The number of child casualties has reportedly tripled since the beginning of ground operations on 3 January. The Israel Defense Forces are no doubt trying, as they say they are, to take steps to minimize civilian casualties, but they are clearly not succeeding.

Israeli operations are also causing extensive damage to homes and public infrastructure and

seriously jeopardizing water, sanitation and medical services. United Nations schools sheltering displaced persons have been hit; humanitarian workers have been killed and ambulances hit; the sick and wounded have been left trapped and unassisted; and up to 100,000 people have been displaced from their homes.

The situation for the civilian population of Gaza is terrifying, and its psychological impact is felt particularly by children and their parents, who feel helpless and unable to protect them. It is a situation from which civilians have only minimal respite: three hours a day, with no escape, as borders and crossings remain closed. Only a full and fully respected ceasefire will spare the civilian population from these horrors, and even then, their need for assistance will remain both urgent and overwhelming.

In the conduct of military operations, constant care must be taken to spare the civilian population from the effects of hostilities. This requires strict compliance with the principles of distinction and proportionality and the requirement to take all feasible precautions in attack and against the effects of attack.

For those launching attacks, this includes doing everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and refraining from any indiscriminate attacks, including those that may be expected to cause incidental civilian casualties that would be excessive in relation to the concrete and direct military advantage anticipated from that specific attack.

For those in defence, it means removing civilians and civilian objects from the vicinity of military objectives and avoiding locating military objectives within or near densely populated areas. It also means not ordering or using the presence or movement of civilians to render certain points or areas immune from military operations or to shield military objectives from attack.

Can we look at what has been happening in Gaza in the past three weeks and say that either Israel or Hamas has come close to respecting fully these rules? I think not. I repeat that violations of international humanitarian law by one party to a conflict offer no justification for non-compliance by other parties. Allegations of violations must be fully investigated and those responsible held to account.

As much as the world's attention is focused on Gaza, that is, sadly, by no means the only situation to raise profound concerns over the degree of respect for these rules and for international humanitarian law.

From the end of August, the eyes of the international community were focused on the catastrophic situation that began to unfold around Goma, in the eastern Democratic Republic of the Congo. Congolese civilians found themselves in the worst of all worlds, subject to attacks, displacement, sexual violence and forced recruitment perpetrated by advancing rebel forces, and to acts of violence, rape and looting carried out by members of the official Congolese armed forces and Mai-Mai and other militias.

In one particularly horrific incident in early November, an estimated 150 people were killed during two days of violence in the town of Kiwanja. Reports indicate that most of those killed were summarily executed by the forces of Laurent Nkunda. Others died when caught in combat between Nkunda's forces and Mai-Mai militia.

Though the situation in the east of the Democratic Republic of the Congo is now somewhat more stable, sporadic violence continues and humanitarian needs are great, while access remains extremely limited.

Meanwhile, we have had to face up to fresh atrocities committed by the Lord's Resistance Army (LRA) in the north-east of the country and in parts of southern Sudan. According to the United Nations High Commissioner for Refugees, LRA attacks on villages in Orientale province in the Democratic Republic of the Congo have left more than 500 people dead. Over 400 have been abducted and some 100,000 displaced. For any who hoped the threat of LRA brutality had gone, it has been a rude awakening indeed.

In Somalia, 2008 was, for an increasingly high proportion of the population, another year trapped in a vicious cycle of attack and counter-attack between armed groups and Ethiopian and Transitional Federal Government (TFG) forces. Throughout 2008, armed groups in Mogadishu used residential areas to launch indiscriminate mortar attacks against Ethiopian and TFG forces, provoking equally indiscriminate and disproportionate counter-attacks, often involving the use of heavy weapons. Reports suggest that all sides launched their attacks with such lack of precision that

there was little, if any, expectation of striking a military objective or avoiding civilian casualties. Armed groups also used homes and crowds of civilians as cover from which to ambush TFG and Ethiopian forces, resulting in wild firefights and further civilian casualties.

In Afghanistan, the United Nations Assistance Mission in Afghanistan (UNAMA) reports that more than 2000 civilians were killed during hostilities in 2008, an increase of over 40 per cent compared to 2007. Over half died as a result of attacks by anti-Government elements, in particular through suicide bombings and the use of improvised explosive devices.

The calculated and callous nature of suicide attacks remains particularly horrifying in Afghanistan and elsewhere. They promote a climate of extreme insecurity for civilians, disrupt any degree of normality in public life, and destroy the lives of ordinary people with neither warning nor compunction.

Some 250 civilians were also executed by anti-Government elements in Afghanistan. These were mostly individuals considered to be linked in some way to the Government or the international community. Alarmingly, killings of this sort appear to be spreading to areas of the country that were previously immune.

Civilian deaths were also attributed to air strikes, search and raid operations and force protection incidents involving international and national armed forces. More than 550 civilians died as a result of air strikes in 2008. In one incident alone, in August, UNAMA reported that 92 civilians, including 62 children, were killed in the Shindand district of Herat. This prompted the International Security Assistance Force to amend its standard operating procedures with a view to preventing such incidents in the future. However, the killing of 37 civilians in an air strike in Kandahar in November 2008 indicates that still more needs to be done.

Prompt investigations by international forces in the aftermath of such incidents and the provision of adequate public information and payments to those affected are also essential.

In Sri Lanka, strict compliance with international humanitarian law is all the more critical with the intensification of fighting in the Vanni region and with reports of intermittent artillery fire into populated civilian areas in recent weeks. The scale of humanitarian needs is difficult to gauge, given the restricted humanitarian access due to the intensified fighting and the relocation of United Nations agencies and non-governmental organizations from rebel-held territory in mid-September.

I am, however, particularly concerned that some 350,000 civilians are trapped in an increasingly confined space and effectively prevented from leaving by Tamil Tiger rebels. This raises deep concerns over the possible use of civilians to render areas immune from military operations. Regarding those who are able to leave Vanni, while the Government has the right to screen for fighters among them, it must not unduly continue to restrict their freedom of movement.

In environments such as Afghanistan, the Democratic Republic of the Congo and Somalia, it is particularly worrying that humanitarian organizations and their staff continue to be subject to threats, intimidation and deadly attacks.

In Afghanistan, 112 humanitarian workers were kidnapped in 2008, five of whom were killed by their captors. A total of 33 humanitarian workers were killed in 2008, the majority of whom were national staff.

In North Kivu province in the Democratic Republic of the Congo, 104 security incidents involving humanitarian workers were reported during September of last year alone.

In Somalia, 32 humanitarian workers were killed in 2008 and 19 were abducted, of whom 10 are still captive. In a particularly chilling turn of events, many Somali United Nations staff and their families had to be relocated from their duty stations following the circulation of an apparent death list of individuals targeted for assassination by armed groups.

Such actions inevitably result in increased security measures, further restrictions on access and a scaling down of humanitarian operations. The main losers from that are, of course, the most vulnerable. The Office for the Coordination of Humanitarian Affairs (OCHA) is continuing to monitor and analyse trends of violence against humanitarian workers, and access constraints more generally, and will provide a comprehensive overview of those issues in the Secretary-General's next report on the protection of civilians.

Meanwhile, we must urgently find better ways to prevent and reduce that pattern of behaviour. It is

relatively straightforward, if not always easy or productive, for the United Nations to engage with the International Security Assistance Force in Afghanistan, or with national armed forces, and to raise our concerns. But whether in Afghanistan, the occupied Palestinian territories, Somalia or elsewhere, we cannot talk only to one side. If we are serious about sparing civilians from the effects of hostilities and about obtaining access to those in need and seeking to ensure that humanitarian workers can operate safely, humanitarian actors must have consistent and sustained dialogue with all parties to conflict, be it the Taliban, Hamas or Al-Shabaab.

It is simply not sufficient to oppose such engagement for fear that it will confer a degree of recognition on those groups. We need those groups to understand what international humanitarian law says and why. We need to be able to speak out for their victims and for the communities they endanger through their mere presence and by storing weapons in homes, schools and places of worship. We need to speak to them to gain safe and sustained access to populations in need and to point out consistently the extent of their misperceptions of humanitarian motives, the lack of a political agenda on the part of United Nations or other humanitarian actors and our firm attachment to the humanitarian principles of impartiality, neutrality and independence. And we need to be able to call them to account when they violate international humanitarian law.

I recognize that for some militia, guerrilla and rebel groups, civilian casualties and constraints on access are in many cases intended consequences of their actions. But the simple truth remains that unless we can consistently raise protection and access concerns with those groups, and unless we can bring home to them the deep irresponsibility of some of their actions, we will continue to see such groups kill, maim and threaten the lives of more civilians.

Amid all that darkness there are some bright spots too, not least among them the opening for signature and ratification last month of the Convention on Cluster Munitions. The Convention has the protection of civilians at its core. For those States that sign and ratify the Convention, it bans the use, production, transfer and stockpiling of cluster munitions. For those that do not, it deepens the stigma associated with cluster munitions, making it politically and morally more difficult to continue to use those weapons. Ultimately, the Convention will lead to the destruction of billions of lethal submunitions and, in so doing, will save a huge number of civilians, their families and communities from the terrible humanitarian consequences of that weapon.

I applaud the Oslo core group and the civil society organizations that contributed to making the Convention a reality, as well as the 95 States that have signed it. I urge all States that have not yet done so to sign and ratify the Convention to ensure its entry into force without delay.

However familiar the challenges to the protection of civilians are — and I have not, on this occasion, focused on the massive and increasing problem of internal displacement due to conflict — the ability to ensure that we respond to them in a comprehensive and consistent way continues to elude us. For example, the potential vested in peacekeeping missions with protection mandates is still not being realized. One reason is that those missions are not being provided on a consistent basis with the capacity required to fulfil those mandates.

In Darfur, for instance, despite the grave and well-documented situation confronting the people there, 12 months since it became operational, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) has only some 15,200 of the 26,000 uniformed personnel authorized by the Council. That is one peacekeeper for every 170 of the staggering 2.7 million internally displaced persons who live in perpetual fear of violence, hunger, disease and death. Consider also the vastness of Darfur, combined with UNAMID's lack of sufficient aviation capacity, and it is all too apparent that the Operation's efforts to protect civilians will inevitably fall short until it has the troops and tools needed to do the job properly.

In the Democratic Republic of the Congo, the upsurge of violence in the east of the country at the end of August severely tested the ability of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to protect civilians. It raised important questions again about MONUC's capacity and whether it had the mandate necessary for the task. It also raised the need to look again at concepts of operations, standard operating procedures and rules of engagement as they relate to the protection of civilians.

The joint study by OCHA and the Department of Peacekeeping Operations on the implementation of protection mandates by peacekeeping missions will examine those and related issues. The study is under way and due for completion later this year. Its findings will be shared with Member States and will provide recommendations for us all on how to tackle some of those weaknesses.

The lack of a comprehensive and consistent approach is apparent also in our efforts to combat sexual violence. As I said during the last open debate, in May 2008, those require the same degree of concerted action wherever they occur. Eight months on, I am pleased that United Nations actors in the Democratic Republic of the Congo and their national and international partners have made significant progress in developing a draft comprehensive strategy to combat the horrific sexual violence there, in support of the efforts of the Government. It focuses on four critical areas: addressing impunity, supporting activities to prevent and provide protection from sexual violence, incorporating prevention efforts into security sector reform, and improving access to medical, mental health and legal support for survivors.

The strategy is a crucial and welcome initiative and warrants full support from all concerned. We will certainly pursue it vigorously. But it also still begs the question of consistency I raised in May. Where are the strategies for Côte d'Ivoire, the Sudan and other contexts where rape and other forms of sexual violence are widespread? They need to follow soon, and I hope the Council will also insist on that.

Helping to facilitate a comprehensive and consistent approach to the protection of civilians in all circumstances was the intention behind the Secretary-General's call for the establishment of a Security Council expert group in his sixth report on the protection of civilians (S/2007/643). I am therefore greatly encouraged by the convening later this week of the first meeting of the expert group. That is an informal forum that brings together Council Member States for transparent and timely consultation with OCHA on protection concerns, particularly in the context of the establishment or renewal of peacekeeping mandates. A particularly useful tool for the expert group — but also, I believe, for the Council itself — is the aide-memoire on the protection of civilians (S/PRST/2003/27, annex). The aide-memoire was first developed in March 2002, at the Council's request, to facilitate its consideration of protection issues. In close consultation with the Council, OCHA has produced a revised and updated version, which I trust will be adopted by the Council at the end of this debate.

The aide-memoire identifies the key concerns regarding the protection of civilians in contemporary conflicts and, based on the Council's past practice, specific actions that the Council could take to respond to those concerns. It maintains a focus on the role of peacekeeping missions, but it also includes a range of additional measures that could be taken by the Council, such as imposing targeted sanctions against the perpetrators of serious violations against civilians and the referral of situations to the International Criminal Court.

From the perspective of the protection of civilians in armed conflict, 2009 has had a dreadful beginning. We need urgently to redouble our efforts to ensure respect for international humanitarian law and human rights law in time of armed conflict. The convening of the expert group and the revision of the aide-memoire are important steps in this direction. Additional proposals will be outlined in the seventh report of the Secretary-General, due in May of this year.

Meanwhile, let this, the tenth anniversary of the first Security Council resolution on the protection of civilians, be the year in which a sustained effort to approach the issues in a comprehensive and consistent manner begins to produce results.

The President (*spoke in French*): I thank the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator for his briefing.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes, in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their texts in writing and to deliver a condensed version when speaking in the Chamber.

I now give the floor to members of the Council.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation would like to thank Under-Secretary-General Holmes for his briefing and express

its appreciation to the various United Nations agencies for their work over the years in the humanitarian field.

The Security Council has been seized with the question of the protection of civilians in armed conflict for nearly a decade and has adopted many resolutions and presidential statements on that topic. However, because of the changing character of conflicts and the interlinkage among various complex factors, many civilians the world over still suffer from the harm and damage inflicted upon them by armed conflicts. The recent resurgence of conflict between Israel and a Palestinian armed faction has caused numerous deaths and injuries among innocent civilians and given rise to a severe humanitarian crisis, which has become a matter of serious concern for the international community. The grim reality tells us that the international community has a long way to go towards fulfilling its duty to protect civilians.

In order to improve the protection of civilians in armed conflict, I wish to emphasize the following three points.

First, the Security Council should fulfil its primary responsibility for maintaining international peace and security. As the core of the world's collective security system, the Security Council should take prompt action within its spheres of competence to reduce and address the root causes of conflicts and mitigate the harm brought by armed conflicts to civilians. As a result of the joint efforts of the Arab countries and other countries concerned, the Council adopted resolution 1860 (2009) 13 days after the outbreak of the Israeli-Palestinian conflict, calling for a ceasefire between the two parties. We urge the parties concerned to implement the ceasefire immediately, as requested by the resolution, so as to avoid more civilian casualties and ease the humanitarian crisis.

Secondly, the Security Council must not view the protection of civilians in isolation; instead, it should look at the context of a particular conflict in terms of the peace process and the political situation, taking an integrated approach. We have seen in recent years that deteriorating security situations in places such as the Middle East and Afghanistan have made victims of countless civilians in armed conflicts, whereas positive progress in peace processes in countries like Liberia and Côte d'Ivoire have brought hope for a better future to local civilian populations. This shows once again that the Security Council should focus more on how to deal with and address conflicts. In this connection, we are not in favour of establishing a Security Council working group on the question of civilians.

Lastly, the role of Governments in the protection of civilians should be respected and supported. Governments bear the primary responsibility for protecting their civilians. While the international community and external forces can provide constructive support, they must follow the provisions of the Charter, fully respecting the wishes and refraining from undermining the sovereignty and territorial integrity of the countries concerned, and even more so from forceful intervention.

The efforts of the Security Council alone are far from adequate to address the protection of civilians in armed conflict. We expect the General Assembly and the Economic and Social Council to play bigger roles, and encourage international institutions, such as the United Nations Development Programme and the World Bank, and regional organizations, such as the African Union, to do their part to help the countries concerned with their economic development, settlement of conflicts and civilian protection. We also welcome a positive role for non-governmental organizations in this respect.

China is willing to work together with other members of the international community to make pragmatic and effective efforts to achieve more constructive results in the protection of civilians in armed conflict.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): I would like to begin by thanking you, Mr. President, and your delegation for having convened this important debate. I would also like to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his briefing today.

The protection of civilians encompasses a set of principles, standards and policies aimed at diminishing the impact of conflicts on people who do not participate directly in them. Unfortunately, however, those people are their main victims. When we talk about the protection of civilians, we generally speak about an attachment to legality and respect for international law, in particular international humanitarian law and human rights.

That is why we vehemently reject the conduct of those who use situations of armed conflict as an excuse

to ignore standards such as the principle of distinction between civilian and military targets or the principle of proportionality in the use of force. We condemn indiscriminate attacks and the unlimited use of arms that cause excessive damage, retaliation against defenceless populations and belligerent actions that bypass the necessary precautions to minimize the impact of conflicts on civilian populations.

In recent years, we have been concerned by the growing number of civilian casualties, which become the "collateral damage" of military operations. This euphemism is not a moral or legal excuse to justify the harm caused to civilian populations. That is why we believe that any incident in which civilian populations are primarily affected must be investigated with a view to holding to account those who have violated the standards that prevail in conflict situations.

When the Security Council debates the protection of civilians, it does so in a very specific context and language. This is neither an academic forum, nor a body geared exclusively towards political deliberation or debate. This debate, as with all held by the Security Council, must be an instrument to guide and to facilitate specific decision-making. That is why the challenges facing us are primarily of a practical nature, requiring more international cooperation and greater coordination between the Security Council and other bodies and agencies of the Organization.

In order to overcome those challenges, we also believe that the Security Council must invest greater efforts in three key areas: the prevention of conflicts and of their recurrence, early warning systems, and rapid and effective responses to situations specifically threatening civilian populations.

Human security is multidimensional and comprehensive. In this understanding, insecurity in any of its dimensions has an affect on a situation in its entirety. That is why we must continue to address the deep-rooted causes that lead to conflicts, and above all to prevent their recurrence.

In this respect, we believe it necessary to continue strengthening initiatives such as the Peacebuilding Commission, a useful instrument of great potential, in order to prevent the recurrence of conflict. Likewise, the building and strengthening of national capacities in judicial matters, security sector reform and rule of law reform are all major pillars of conflict prevention strategies.

In the area of early warning, the Council must continuously have timely, comprehensive and updated information on matters relating to the protection of civilians, particularly on the identification of situations that involve imminent risks for civilian populations. That is why we emphasize the importance of this item being included systematically in the reports and recommendations of the Secretary-General in consideration of specific situations, most importantly when it comes to the establishment, revision and renewal of peacekeeping mission mandates. Moreover, we believe that the expert group on the protection of civilians is a valuable opportunity to lend continuity to the analysis and discussion of this issue.

The Council must respond swiftly and decisively to crises. Civilian protection must be provided at the outset in efforts to achieve a cessation of hostilities and to negotiate peace. At all times, we must urge the cooperation of all parties to a conflict in order to create areas of security, neutral zones or humanitarian corridors that will make it possible to evacuate or provide assistance to the affected populations. We also highlight the vital importance of safe and unhindered access for humanitarian assistance, which is a fundamental prerequisite for its effective provision.

We stress the importance of clear civilian protection mandates as a key aspect in the design and composition of peacekeeping missions, as well as the need for clear guides and standards for military intervention in order to permit effective protection of the civilian population. In that regard, my delegation supports the Secretary-General's recommendation, set out in his 20 October 2008 report on the Sudan (S/2008/662), that the Security Council consider holding a thorough debate on provisions related to the protection of civilians in imminent danger.

We have listened to and share the concerns repeatedly expressed by the Department of Peacekeeping Operations, the troop-contributing countries and the humanitarian community regarding the lack of clarity in civilian protection mandates. We believe it is time that the Council, together with the Secretariat and the General Assembly — in particular the Special Committee on Peacekeeping Operations — develop clear civilian protection guidelines that could be translated into realistic standards applicable to peacekeeping troops in combat situations. The need for that was clearly indicated by the Council in resolution 1674 (2006).

Furthermore, it is absolutely essential that peacekeeping missions be appropriately structured and, as Mr. Holmes pointed out, provided with the equipment and technology they need to duly carry out their civilian protection mandates, particularly in cases in which greater resources are urgently needed to expand monitoring, information-gathering and patrolling activities in conflict zones where there is an imminent danger of attacks against civilians.

Another major challenge to civilian protection is the fragmentation of the United Nations presence on the ground. We believe it is necessary to strengthen coordination among the humanitarian, military and political segments to guarantee the security of relief personnel and create the humanitarian space needed to provide assistance and an appropriate transition towards a phase of recovery and the restoration of order and the rule of law that would ensure full respect for and the promotion of human rights.

Finally, my delegation welcomes the timely updating of the aide-memoire to be adopted in the presidential statement today, and we thank the Office for the Coordination of Humanitarian Affairs for the work done. We appreciate the usefulness and value of that instrument in analyzing the key issues that we must consider in attaining the objectives related to civilian protection. The list of precedents considered by the Council on that subject is an important historical memory that will serve as a swift, easy and practical guide to assist the Council and ensure that the concerns and issues related to civilian protection will be appropriately reflected in the relevant resolutions and in the establishment, review and renewal of the mandates of peacekeeping missions.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): As usual, my delegation prepared a statement that was a bit long, and that statement is now before me. However, I find it extremely difficult and am extremely embarrassed to speak before the Security Council on the protection of civilians in armed conflict when it has become clear to everyone that there is a huge gap between what the Council says and what it actually does.

The continuing events in Gaza attest to that fact. The civilian population of Gaza has suffered long months of siege and starvation, trapped in a collective prison unprecedented in human history in terms of its scope and nature. Mercilessly deprived of food, medicine, fuel and all of life's necessities, they have, in legal terms, been subjected to an attempt at genocide by an occupying force that has, regrettably, flouted all international law, including international humanitarian law, and mocked and disregarded all moral and ethical standards.

The tragedy of Gaza has raised serious doubts as to the credibility of the Security Council. The Council has remained unable or unwilling to shoulder its responsibilities during the siege. The position that the Council took regarding the siege sent a clear message to the aggressor that it could escalate its aggression, because that aggression continues. However, could any aggression be more serious than aggression that deprives the people of all of life's necessities? Thus, Israel has attacked a civilian population that has been deprived of water, starved and weakened by a blind war machine that indiscriminately bombs residential areas, refugee camps, houses of worship, schools and universities, United Nations facilities, humanitarian assistance convoys, ambulances and rescue personnel.

Council members have heard that the numbers of dead and wounded are increasing by the minute; they have seen the magnitude of the destruction, which is increasing every minute; they have seen the child victims of phosphorus bombs; and they have heard that the aggressor has even prevented the International Committee of the Red Cross (ICRC) from gaining access to affected areas and reaching victims. The Council has heard statements by eyewitnesses who cannot be doubted, including Mr. Jakob Kellenberger, President of the ICRC, and officials from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), describing Israel's brutal practices against the civilian population in Gaza.

However, the Security Council continues to be unable or unwilling to do anything. After much procrastination and hesitation, it adopted resolution 1860 (2009). The resolution had absolutely no effect, and the reason for that is clear. Thus, the Israelis have continued to pursue this brutal massacre, unfortunately with the active financial and technical support of some who have also provided the aggressor with munitions to perpetrate its crimes. Those abettors do not hesitate to offer flimsy excuses for their actions, while at the same time setting conditions for an end to the fighting. Those who do so are in no way embarrassed to speak today of the protection of civilians in armed conflict.

Developments in Gaza over the past three weeks have surpassed in brutality anything we have seen before. As described by Mr. Ging, Director of UNRWA Operations at the Gaza Field Office, they are a test of our humanity.

I believe that the failure of the Security Council to assume its moral and legal responsibilities for the events in Gaza and its complicity with certain actors in those events have made it extremely difficult for people to hear us speak of legitimacy, ethics and values. This has become an extremely embarrassing exercise for a person like myself, at least, who was raised on Islamic teachings that prohibit attacks on civilians and condemn duplicity and selectivity.

Mr. Le Luong Minh (Viet Nam): I join other speakers in thanking you, Sir, for convening this important meeting. I also thank Under-Secretary-General John Holmes for his informative briefing and the Office for the Coordination of Humanitarian Affairs (OCHA) for its efforts in preparing the updated aide-memoire on the protection of civilians to be adopted by the Council later today. I am convinced that the updated aide-memoire, with its new format and structure, will provide a useful tool kit for Member States and United Nations bodies in protecting civilians in armed conflict.

With armed conflicts spreading and escalating in many parts of the world, enhancing the protection of civilians has become more urgent and important than ever. While recognizing the considerable efforts made and initial progress achieved in the recent years by the Council and related United Nations bodies in protecting civilians in armed conflict, my delegation remains deeply concerned about the fact that civilians in many places continue to be the main victims of acts of violence and the indiscriminate and excessive use of force, especially those in which civilians are deliberately targeted in violation of international law, including international human rights and humanitarian law.

As we have emphasized at every Council and other meeting on this subject, Viet Nam is firm in its position that all indiscriminate attacks against civilians are unjustifiable under any pretext and that civilians must be assured of access to humanitarian assistance, particularly to food, fuel and medical treatment. We call upon all parties to armed conflicts to minimize military activities in and around civil locations and to take effective measures to protect civilians, especially the most vulnerable groups, such as children and women.

As this meeting of the Council is taking place, more and perhaps many more innocent civilians may be being killed or plunged into desperate conditions by unjustified military operations and acts of violence in and from Gaza. We urge the parties concerned to heed the call of the international community and of this very Council for an immediate ceasefire, put an end to acts of violence and implement the measures stipulated in resolution 1860 (2009), adopted by the Council six days ago, including the opening of border crossings to allow and facilitate humanitarian assistance.

As a gesture of solidarity with Palestinian civilians affected by the ongoing crisis, the Vietnamese Government has decided to extend $200,000 in assistance to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

My delegation is deeply disturbed by the displacement resulting from many conflict situations. We recall the alarming figures for refugees and internally displaced persons, mostly due to conflict situations, as stated by High Commissioner António Guterres in his briefing to the Council last week. We share the view that displacement as a result of conflict may become another source of conflict, since it is likely to cause social tension and all kinds of difficulties for the host location.

While the primary responsibility for protecting civilians lies with States, the United Nations system can and should play its critical role by providing political mediation and peacekeeping operations, as well as by coordinating humanitarian and development assistance. To this end, coordination among United Nations bodies in the area of protection of civilians should be further enhanced, particularly between the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations High Commissioner for Refugees, the Department of Peacekeeping Operations, the Special Representative of the Secretary-General for Children and Armed Conflict and all United Nations field missions. We support an expanded and strengthened mandate of protection of civilians for United Nations peacekeeping missions on the ground, and hence intensive training in this connection for them before their deployment.

With regard to humanitarian access, which is one of the key issues in protecting civilians, we wish to emphasize again the imperative need to uphold the principle of neutrality, impartiality and independence with a view to ensuring effectiveness and efficiency.

Finally, while recognizing the need for further efforts to protect civilians in armed conflict, we hold the view that the establishment of any new mechanism within the Security Council should be carefully considered and studied in depth before a decision is made in order to avoid operational and institutional overlapping, as well as negative financial implications.

Mr. Mayr-Harting (Austria): At the outset, let me thank you, Sir, for organizing this very important debate and Under-Secretary-General Holmes for his important and impressive presentation. It was impressive, if I may say so, in its general thrust and important in particular in what you said about ongoing conflict situations, such as that in Gaza and southern Israel.

Austria associates itself with the statement to be delivered by the representative of the Czech Republic on behalf of the European Union later in this meeting. I should like to make a number of specific points.

First of all, we have seen an increasing focus on efforts to integrate protection concerns into peacekeeping mandates, increased efforts to fight impunity at the national and international levels, as well as the acceptance of the responsibility to protect. Those are developments in our debate that we welcome.

The Secretary-General has rightly stated that the protection of civilians in armed conflict must remain an absolute priority. He called for more systematic attention to protection concerns in the daily deliberations of the Council. Austria therefore welcomes the revised aide-memoire on the protection of civilians in armed conflict and would like to commend the Office for the Coordination of Humanitarian Affairs for its excellent work, which represents a comprehensive tool of real practical relevance to the work of the Council.

We further welcome the establishment of a Security Council expert group on the protection of civilians, which should permit the Council to receive detailed information from humanitarian, human rights and other experts. In a lessons-learned process, it should also enable the Council to address specific protection concerns in the establishment or renewal of peacekeeping mandates.

The Security Council should further contribute to strengthening the rule of law and international law by supporting criminal justice mechanisms. Where necessary, the Council should consider appropriate measures to encourage or compel prosecution of those responsible for international crimes, including referrals to the International Criminal Court or other appropriate accountability mechanisms. This is particularly true for sexual and gender-based violence or serious violations of child rights. In this area an accountability mechanism similar to the one on recruitment and use of child soldiers under resolution 1612 (2005) should be considered. The Council has to send a clear message to all parties to armed conflicts reminding them of their obligations and condemning violations of international humanitarian and human rights law.

With regard to the ongoing conflict in and around Gaza, Austria calls upon all parties to fully abide by their obligations under international humanitarian law. This includes the obligation by parties to an armed conflict to refrain from targeting civilians, to facilitate humanitarian operations and to allow rapid and unimpeded passage of relief consignments, equipment and personnel. One point that should be underlined particularly these days is that the protection of organizations and institutions providing humanitarian assistance, as well as humanitarian workers, must be ensured at all times. We agree with the Under-Secretary-General that the incidents that have occurred should be investigated, and we are happy that the Secretary-General has made this one of the messages of his current trip to the region.

We are also deeply concerned about conflict situations such as those in the eastern part of the Democratic Republic of the Congo and Darfur, in particular the deliberate targeting of civilians, including through the use of sexual and gender-based violence as a tactic of war aimed at destroying and dehumanizing entire communities.

Austria strongly supports the strengthening of protection mandates in peacekeeping operations. We are aware of the challenges of peacekeeping operations in implementing ambitious mandates on the ground. We thank the Under-Secretary-General for his analysis as to the challenges in this regard.

Important progress has already been made, as demonstrated, for example, by the new mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in resolution 1856 (2008), which makes the protection of civilians the key priority for the Mission. The United Nations Mission in the Central African Republic and Chad (MINURCAT) and the European Union military operation in Chad and the Central African Republic (EUFOR) may serve as a good example of peace operations in support of humanitarian activities. In that context, Austria attaches great importance to the Secretary-General's upcoming report on protection of civilians. Austria is also pleased to support the study commissioned by the Department of Peacekeeping Operations and OCHA, which will serve as a basis for that review. At next week's Security Council debate on peacekeeping operations we will have a chance to discuss this issue in a broader context.

We also strongly agree with the Under-Secretary-General's positive assessment of the Convention on Cluster Munitions, signed by 95 States in December 2008. We join in his appeal to all States to sign and ratify that Convention as soon as possible.

In closing, let me once again stress that the Council needs to continue and further intensify its work on the protection of those who are most vulnerable in conflict situations: civilians, particularly women and children. Austria will do everything it can to move this matter forward during its tenure on the Council.

Mr. İlkin (Turkey): I first wish to thank Under-Secretary-General John Holmes for his comprehensive briefing. I would also like to express my appreciation to the entire team of the Office for the Coordination of Humanitarian Affairs (OCHA) for their valuable assistance in updating the aide-memoire that we expect to adopt today on issues pertaining the protection of civilians in armed conflict.

It has been more than five years since we last revised the aide-memoire, in 2003 (*S/PRST/2003/27, annex*). Since then, the substance of the matter has not changed much, except that it has become more compelling for the international community to act in unison with a view to protecting civilians in an increasingly volatile security environment. Indeed, it is extremely unfortunate — and, in fact, unacceptable — that the majority of casualties in armed conflicts continue to be civilians. Therefore we condemn in the strongest possible terms all deliberate attacks on civilians and the deaths resulting from the indiscriminate and excessive use of force.

Actually, what is happening in Gaza today is a living example of the tragedy that the civilians suffer in such armed conflicts. Indeed, the crisis, which has entered its nineteenth day with more than 900 dead and over 4,000 injured — one third of whom are children — comprises all the elements set out in the aide-memoire, ranging from misconduct of hostilities and the plight of the displaced people to lack of humanitarian access.

I am aware that this is not a specific debate on the tragic situation in Gaza, but it is absolutely relevant to what we are discussing today. So allow me to express our strong appeal to all the parties involved to cease the hostilities without further delay and comply with the terms of Security Council resolution 1860 (2009).

In view of the time constraints and the long list of speakers, I shall be brief.

First of all, I wish to underline that protection of civilians in armed conflicts is a common concern for us all and constitutes an issue of top priority for the entire international community. Of course, the best protection that can be offered to civilians is to prevent armed conflicts in the first place. However, we do not live in a perfect world. Therefore, in cases when prevention of armed conflict is not possible, protection of civilians is of utmost importance.

There is no doubt that the primary obligation for protecting civilians lies with States. However, the international community also has a shared responsibility to help protect civilians in situations where States fail to do so. Therefore, we need to build a collective awareness of the importance of this responsibility and must be able to agree on the fundamental guidelines.

The new aide-memoire that we expect to adopt today thus provides us with a convenient guide. We now need to make best use of these guidelines in addressing the actual problems on the ground, including in our decisions on peacekeeping mandates, because these problems lie with implementation rather than norm-setting. For instance, we are pleased to see that the legal framework for the protection of civilians in armed conflicts is largely in place. Nevertheless, the implementation of international instruments continues

to face serious challenges, for manifold reasons. We must thus be able to translate our legal commitments into practical deeds and action.

A case in point is related to the fight against terrorism. Indeed, terrorist organizations, whose primary aim is to inflict random violence on civilian and military targets alike, do not feel bound by any international legal framework. However, a number of members of the international community still fail to implement their commitments in the face of terrorist threats and acts.

Therefore, we must look into ways and means to further improve and coordinate our joint fight against this scourge, which is an integral part of our responsibility to protect. This is another area where individual endeavours of countries can achieve only limited objectives. It should thus be a collective effort in which all Members of the United Nations unite around common principles and goals. It is with this understanding that we join the presidential statement's condemnation of terrorism in all its forms and manifestations.

There are still many aspects of the responsibility to protect civilians in armed conflicts that require further and careful elaboration, including the dire circumstances faced by displaced people, including children and women, as well as the issues of small arms and land mines. But even more importantly, we should approach the question of protecting civilians from a much wider angle, ensuring continued stability and peace in conflict-ridden States, in particular through strengthening the rule of law, human rights, democracy and good governance, which is crucial for long-term and lasting protection of civilians.

Likewise, we should ensure that the perpetrators of violence against civilians are held fully accountable for their actions. They should be fully aware that they will face justice in all cases, for sustainable prevention and protection would be impossible if there is impunity. The international community has a duty to do more in this direction through capacity-building and technical assistance.

In closing, I should like to underline once again that the issue of protecting civilians in armed conflict is a cause that the international community must pursue with total determination. Two further reports of the Secretary-General, on protection of civilians and on sexual violence, are expected to be published in late May and June 2009 respectively, and Turkey will assume the presidency of the Security Council in June. Thus, protection issues are likely to be prominent on the Council's agenda during that period, and we will do our best to contribute to the work of the Security Council on this topic.

Mr. Heller (Mexico) (*spoke in Spanish*): My delegation is grateful for the convening of this debate, which is taking place at a time when the protection of civilians in armed conflict is taking on very special proportions and demanding the urgent attention of the international community. Mexico attaches great importance to this issue and fully supports the holding of Security Council debates on the subject.

We welcome the presence of Under-Secretary-General John Holmes and thank him for his briefing, which focused our attention on the seriousness of the situations of which he spoke.

The challenges that our Organization faces regarding the protection of civilians in armed conflict are very diverse and have become increasingly complex. Recently we have witnessed the consequences of violence in the Gaza Strip, where the large number of deaths and injuries among the civilian population has resulted in a humanitarian crisis of major proportions, as Under-Secretary-General Holmes reported today.

In this regard, as it has done before in the Council, Mexico reiterates its deep concern about the violence unleashed over the past 19 days and condemns the Israeli army's excessive use of force in Gaza, as well as the launching of rockets into Israeli territory from the Gaza Strip by Hamas, which has also resulted in deaths and injuries among the civilian population.

It is of particular concern to Mexico that in any conflict situation the parties should recognize that it is imperative to respect the provisions of international humanitarian law, in particular those set out in the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. In particular, my delegation reiterates its call for the parties concerned to respect and fully implement resolution 1860 (2009), which will lays the foundations for the immediate attainment of a durable ceasefire that will permit the humanitarian needs of the civilian population to be addressed and put an end to the pointless loss of innocent lives in the region. We consider that this

objective can be reached only through the establishment of an international ceasefire monitoring mechanism that, among other provisions of the resolution, will allow unrestricted access for humanitarian assistance, ensure the protection of the civilian population and address the human rights situation.

Some of the challenges that demand concrete action are: including the protection of civilians in the mandates of peacekeeping operations; sexual and gender-based violence; and the use of cluster munitions.

Access of humanitarian assistance to civilians during armed conflict is an issue to which Mexico devotes particular attention and which it considers to be a sine non qua for the protection of civilians. My delegation underscores its disagreement with interpretations that can restrict or exclude human dignity in complex situations and that favour positions that set this humanitarian principle against the principle of sovereignty.

Member States have an obligation to implement the relevant provisions of the Charter of the United Nations with a timely, proportionate and preferably preventive focus, in order to limit or minimize the effects of armed conflict on civilians, in accordance with international humanitarian law.

Gender-based violence, including sexual violence, whose main victims are women and children, constitutes another major challenge. In that regard, Mexico recognizes the Organization's efforts to combat this problem, such as the adoption of resolutions on peacekeeping operations in all of their aspects and on assistance to and support of victims of exploitation and sexual abuse committed by United Nations personnel. Such actions contribute to strengthening the image, credibility and effectiveness of the Organization.

Mexico calls upon all States to avoid the use of cluster munitions during armed conflict, because of their harmful nature and their indiscriminate effects, which affect entire civilian populations and constitute an obstacle to sustainable development. On 3 December 2008, in Oslo, Mexico signed the Convention on Cluster Munitions.

Mexico also advocates that the resolutions adopted by the Security Council regarding the protection of civilians in armed conflict should be duly based on and inspired by the norms and principles of international humanitarian law. That would foster the further consolidation and development of that body of norms and would provide additional legitimacy for the actions and decisions of the Council.

In addition, States, as parties to the four Geneva Conventions of 1949, have the obligation to respect and enforce the norms of international humanitarian law at all times and under all circumstance. That obligation is binding in particular on all parties to a conflict, whose duties and responsibilities are based not only on international humanitarian law, but on international law in general and customary international law.

Mexico stresses the importance of cooperation between States and the United Nations and, in particular, between the Security Council and the International Criminal Court, with a view to strengthening the Court and enabling it to fully achieve the goals it was created to accomplish. The existence of the International Criminal Court should not only be an incentive to strengthen national judicial systems, but should also provide effective mechanism to address crimes defined in the Rome Statute when national judicial structures have disappeared as a consequence of conflict. For that reason, Mexico recently ratified the Rome Statute, which is a legal instrument of enormous importance.

The update of the aide-memoire for the consideration of issues pertaining to the protection of civilians in armed conflict, whose main objective is to facilitate the evaluation that the Council conducts on that topic, will be a practical tool that will provide a base on which to improve analysis and diagnosis of the key aspects of civilian protection, in particular during deliberations on the mandates of peacekeeping operations, and for the strengthening of action in this sphere, taking into consideration the specific circumstances of each conflict situation.

Based on what I have outlined, my Government reiterates its call for all Member States to support the United Nations and other actors involved in efforts to create a culture of protection, in which Governments shoulder their responsibilities; armed groups respect the norms of international law; the private sector recognizes the impact of its engagement in countries in conflict in the context of international humanitarian law and human rights; and finally, Member States, as

well as regional and international organizations, act in a swift and decisive manner when facing humanitarian crises.

Mr. Okuda (Japan): We thank Under-Secretary-General Holmes for his briefing and commend the Office for the Coordination of Humanitarian Affairs (OCHA) for its advocacy for the protection of civilians in armed conflict. Japan places emphasis on the protection and empowerment of civilians in armed conflict from the human security perspective, and we hope that the Security Council will continue to receive periodic briefings on this issue from the Emergency Relief Coordinator.

We welcome the adoption of the text of the Convention on Cluster Munitions at the conference held in Dublin in May last year as well as the participation of 94 countries, including Japan, at the Signing Conference of the Convention held last month in Oslo. The Convention on Cluster Munitions is a significant means for advancing a normative framework conducive to the protection of civilians. Japan has been actively contributing to the clearance of unexploded ordnance in countries affected by cluster munitions remnants, landmines and other ordnance, in addition to providing assistance to victims of unexploded ordnance. My Government will continue to work cooperatively and generously to further strengthen the international community's ability to address cluster munitions.

Japan anticipates that 2009 may well become a landmark year for the United Nations in realizing the protection of civilians in armed conflict. We expect that the revision of the aide-memoire and an independent study by OCHA and the Department of Peacekeeping Operations (DPKO) on the implementation of Security Council mandates on the protection of civilians will help the Council further deepen its consideration of this issue.

We welcome the completion of the revised aide-memoire and are pleased to see the draft presidential statement by which the Council will adopt it today. We repeatedly requested the revision of the aide-memoire in order to increase its practical applicability as a checklist for the Council's consideration of establishing or extending the mandates of peacekeeping operations.

Regarding the independent study, we believe that it is extremely useful to clarify how mandates on the protection of civilians granted by the Council are implemented in reality and what problems must be solved for the activities on the ground to be enhanced. We hope that the outcome of the study will include concrete recommendations for those responsible for implementing the mandates of the Security Council in the field.

In addition, in order to improve the Council's working methods, we wish to express our support for the Secretariat's delivery of a timely, appropriate and informal briefing to the Council's group of experts on the situation of the protection of civilians in specific conflict and post-conflict situations. There is no question that it would be beneficial for the Council to receive such a briefing, if it is to make wise decisions regarding the establishment or extension of mission mandates.

We are gravely concerned about the dire situation of vulnerable civilians in armed conflict worldwide, including in Afghanistan, Iraq, Darfur, the Democratic Republic of the Congo, Somalia and Sri Lanka, as Under-Secretary-General Holmes pointed out in detail. We cannot accept deliberate attacks against civilians, journalists and humanitarian workers; recruitment of child soldiers in camps for refugees and internally displaced persons; restriction of humanitarian access; sexual violence; or any other violations of international human rights and humanitarian law.

In this context, Japan continues to be seriously concerned about the situation in and around Gaza. Japan fully supports Security Council resolution 1860 (2009), which was adopted with the broadest possible political support. We would like to emphasize the importance of the safety and well-being of all civilians, and we emphasize that the Palestinian and Israeli civilian population must be protected. Japan condemns all violence and hostilities directed against civilians as well as all acts of terrorism.

The people in Gaza require immediate humanitarian assistance, and Japan will provide $10 million in aid, of which $3 million will be immediately provided through the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Japan also renews the call for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza. We fully support and appreciate the diplomatic efforts made by

various countries to bring about a ceasefire, especially those of Egypt.

As we mentioned last week on the occasion of the briefing by the United Nations High Commissioner for Refugees (see S/PV.6062), humanitarian assistance and the deployment of peacekeeping missions cannot provide lasting peace and durable protection: conflict prevention is the most effective and efficient means to protect civilians. We must address the root causes of conflict and invest more in addressing those causes. We therefore believe that, from the perspective of translating the concept of human security into practical solutions, reconstruction, job creation and the reintegration of displaced persons must be given a higher priority in peacebuilding strategies and must be implemented in all post-conflict situations, realizing a seamless transition from relief to development.

Lastly, we commend humanitarian personnel for carrying out their heavy responsibilities under conditions that are often extremely dangerous and difficult. We are deeply concerned about the deterioration in ensuring their safety and security. It is vital that a humanitarian space be provided in which humanitarian workers can safely perform their essential duties. We welcome the recent adoption by the General Assembly of its resolution 63/139, designating 19 August as World Humanitarian Day in order to raise public awareness about humanitarian activities worldwide. For our part, Japan calls upon all relevant parties concerned to take appropriate action to secure humanitarian space, fully respecting the neutrality and impartiality of humanitarian assistance.

Mr. Butagira (Uganda): Let me take this opportunity to thank Under-Secretary-General Holmes for his statement and for the good work that he and his team are doing.

Uganda's commitment to the protection of civilians is and will remain a priority. Our experiences with regard to the reception and protection of refugees, for example, date back as far as 1959 and have continued as recently as December 2008, when over 40,000 refugees crossed into Uganda due to instability in the region. Today, Uganda is host to approximately 145,000 refugees from various parts of the region.

Uganda is a country that has had to endure the hardship of having a large segment of our population become internally displaced persons and is a troop-contributing country within the region and beyond Africa, and the level of commitment that it attaches to the implementation of all the relevant resolutions on the protection of civilians cannot be overstated.

In countless forums, Uganda has decried the actions of the so-called Lord's Resistance Army, led by Joseph Kony. The activities of the Lord's Resistance Army have been characterized by crimes under international law, violations of international humanitarian law and countless human rights abuses. In this regard, Uganda condemns the renewed activities of the Lord's Resistance Army in Orientale Province of the Democratic Republic of the Congo as well as the continuous forced recruitment of women and children, massacres of civilians and wilful acts of rape and torture, looting and destruction of civilian property. Not only do these acts constitute a permanent threat to security in the region but they are also in direct contravention of relevant Security Council resolutions.

Long before the international community got involved in northern Uganda, our Government made several attempts to put an end to the senseless activities of the Lord's Resistance Army; those attempts ranged from combat operations and cross-border agreements to offers of amnesty. At the same time, the Government created protected areas in which the population in northern Uganda could assemble for easier protection as well as for the distribution of humanitarian assistance, leading to the hitherto unrecognized phenomenon of internal displacement. All this notwithstanding, the Government of Uganda continues to welcome an influx of refugees from within the region, which has put an undeniable strain on our limited resources.

Something should be done about non-State actors. These rebel groups who have terrorized civilians have no legitimate reason to be protected. These marauding groups of gangs must be dealt with. They have no respect for international humanitarian law. Uganda at one time was being threatened with being placed on the agenda of the Security Council simply because we were fighting these gangs. They said we should talk peace. We pointed out these rebels were not interested in peace. Eventually, we agreed to talks. But what has happened? We have been vindicated. The Lord's Resistance Army has refused to sign the final peace agreement. The rest now is history. As I have said, they are now terrorizing the region, killing civilians. The international community has now realized that these gangs must be fought.

What lessons can we draw from this history? These rebel groups must not be appeased. Sometimes we give them encouragement by expressions to the effect that there is no military solution, and this has given them a pretext to continue their heinous crimes.

As far back as 2004, Uganda developed a national policy on internally displaced persons in order to guide all actors in the protection of and assistance to internally displaced persons. With this policy in place, there was improvement in the standing of the rights of internally displaced persons and in the Government's meeting its responsibilities with regard to protection and assistance, as well as living conditions.

It is against that background that Uganda reiterates its commitment to the protection of the most vulnerable groups of civilians, especially women, children and persons with disabilities. The Government of Uganda has always ensured that it provides unhindered access to humanitarian personnel to provide assistance to civilians in armed conflict. The Uganda People's Defence Force has always provided protection to humanitarian workers.

As part of Government efforts to implement resolution 1612 (2005) and to instil respect for the rights of civilians among armed groups, Uganda has spared no effort in setting up educational programmes to curb the incidence of rights abuses. The Government of Uganda has periodically carried out human rights education programmes for the Uganda People's Defence Force and has participated in joint activities with UNICEF and the Office of the United Nations High Commissioner for Human Rights in the development of a national action plan against the recruitment of children in armed conflict.

Uganda welcomes the presidential statement and the aide-memoire to be adopted by the Security Council today, particularly because regional organizations like the African Union have recently taken up peacekeeping mandates in certain areas of conflict in the region. The actions of the Council are of great importance to Uganda as country whose troops make up a large percentage of the current deployment of the African Union Mission in Somalia. These documents serve as a reliable blueprint for us, especially as we venture into situations of uncertainty that are characterized by quickly evolving circumstances.

In conclusion, I would like to pay tribute to the various United Nations agencies and international non-governmental organizations, such as the International Committee of the Red Cross, the Office for the Coordination of Humanitarian Affairs and the Office of the High Commissioner for Human Rights, that have protection mandates and have worked closely with our Government in times of instability and hardship.

Mr. Kafando (Burkina Faso) (*spoke in French*): I would like to thank you, Mr. President, for having organized this debate on the protection of civilians in armed conflict, which is a subject of great importance and whose consideration by the Council is all the more important in light of the tragedy currently unfolding in Gaza, unfortunately demonstrating once again that civilians are always the first victims of armed confrontation. I should also like to thank Mr. John Holmes for his briefing.

The protection of civilians has several times been the subject of appeals and recommendations by the Security Council. Unfortunately, we must note that they have remained a dead letter. We still have occasion to regret the many violations of human rights and international humanitarian law in conflict zones, notwithstanding all of the legal instruments in force, in particular the Fourth Geneva Convention and the 1977 Additional Protocols.

We are particularly alarmed that civilians are often deliberately targeted by combatants, who often subject them to the worst abuse, including intentional massacres, cruel and degrading treatment, rape, the blocking of humanitarian access and, not least, the enlistment of children in armed forces. These acts are intolerable and deeply reprehensible, since they imperil the most precious human asset — human dignity, the fact of being human.

In this regard, the situation of refugees and displaced persons deserves the ongoing attention of the international community. As the briefing of 8 January gave us occasion to recall, these groups are easy combat targets, in particular those who are most vulnerable, living in camps and in very precarious conditions.

Ensuring the protection of civilian populations is primarily the responsibility of States and of parties to conflicts. They must fully shoulder their obligations under relevant national and international legal instruments. They must not only cease their

reprehensible actions but also enable unconditional access to victims by humanitarian personnel.

The international community must also shoulder its responsibilities by providing resources to assist civilian populations. That is why thinking about the responsibility to protect should become more profound in order to avoid repetition of tragedies that we have witnessed in the recent past. We must reconcile the rights conferred on States by their sovereignty with the duty of the international community to react in an urgent and appropriate manner in cases of humanitarian disaster due to the inability of or refusal by a State to end that disaster.

For its part, and because it is the primary guarantor of international peace and security, the Security Council must be at the core of this common action. With regard to peacekeeping operations, the Council must provide adequately defined mandates. Furthermore, in cooperation with the Secretariat, it must provide for appropriate training for the personnel of peacekeeping operations in the areas of human rights, humanitarian law and the rights of refugees, with the aim of zero tolerance for any kind of abuse of which they may be guilty.

The best guarantees that we can offer to civilians for their protection are peace, stability and security. In other words, we must work to prevent conflicts, in particular by eliminating their underlying causes and settling conflicts swiftly when they break out.

Accordingly, we need to direct our efforts to the establishment of the rule of law, to strengthening democracy, good governance and respect for human rights and to safeguarding the sovereignty and territorial integrity of States. States must deal squarely with combating impunity by ensuring, in particular, the independence and effectiveness of their legal systems.

Furthermore, and in keeping with resolution 1325 (2000), there is an urgent and crucial need to strengthen the role of women in the prevention and peaceful settlement of conflicts as well as in post-conflict reconstruction efforts. Accordingly, we fully support the updating of the aide-memoire, which is a practical analytical and diagnostic instrument for addressing issues relating to the protection of civilians in armed conflict.

The most fundamental right of every human being is the right to live in dignity and security. No situation, not even war, can be used as an extenuating circumstance to call this right into question. States, parties to conflicts, the Security Council and the entire international community have an obligation to make the protection of civilians an absolute priority.

We therefore pay tribute to all those who, on all of the various battlefields around the world, have made this their vocation, sometimes at the cost of their lives. Without humanitarian personnel, many of the chaotic situations that we witness would be even more chaotic. Humanitarian staff must therefore be urgently provided with the most effective protection possible. This too is our collective responsibility.

Mr. Vilović (Croatia): At the outset, I wish to express our gratitude to the French presidency for the opportunity to discuss in the Security Council the important issue of the protection of civilians during armed conflict. I would like to take this opportunity to thank the Under-Secretary-General, Mr. John Holmes, for his very comprehensive briefing.

Croatia associates itself with the statement of the European Union to be delivered later by the representative of the Czech Republic.

In the light of the forthcoming sixtieth anniversary of the adoption of the Geneva Conventions, which lie at the core of international humanitarian law, this debate comes at a timely juncture. Yet, 60 years on, civilians continue to account for the majority of victims of actions by parties to armed conflicts and are often deliberately targeted and subjected to appalling human rights violations in contemporary conflicts worldwide.

In this regard, Croatia shares the deep concern for the suffering of civilians in many areas around the world, from the conflict areas of the Sudan and the Democratic Republic of the Congo and the current situation in and around Gaza to the ongoing humanitarian crises in Myanmar and Zimbabwe. In the case of Gaza, we continue to appeal to all parties to exercise maximum restraint in avoiding civilian casualties and to put the interests of civilian populations first, especially by guaranteeing unhindered access to humanitarian assistance and supplies and full respect of resolution 1860 (2009).

Situations of particular concern are those that continue to be characterized by indiscriminate violence and attacks against women and children. The increased

use of sexual and gender-based violence in armed conflict, including as a tactic of war, demand more effective implementation of resolutions 1325 (2000) and 1820 (2008). The struggle against impunity is an integral element of the protection of civilians, and we must ensure that the policy of zero tolerance towards sexual violence and abuse becomes a reality in all aspects of the Council's work. This calls for robust efforts on the part of United Nations country-specific mandates to overturn the pervading sense of impunity in countries like Côte d'Ivoire and the Sudan.

As we recently learned from the United Nations High Commissioner for Refugees, conflicts remain the major cause of the increasing number of refugees and internally displaced persons in the world. Their conditions are often exacerbated by serious security problems and grave breaches of international humanitarian law by combatants in the conduct of hostilities, which are often characterized by sexual violence and impeded humanitarian access. Croatia places great importance on the security situation in and around refugee camps. Given that, in the Democratic Republic of the Congo and the Sudan, such places remain the primary recruiting ground for child soldiers, more efforts are needed to mainstream child protection advisers in both Department of Peacekeeping Operations and Department of Political Affairs missions.

Although this Council has established a broad framework of thematic resolutions on this issue, greater systematic follow-up by the Council is required. In particular, Croatia advocates the need for a more consistent approach at the country-specific level. Even in cases where mandates include measures for civilian protection and respect for international humanitarian law, such as, most notably, in the United Nations Organization Mission in the Democratic Republic of the Congo and the African Union-United Nations Hybrid Operation in Darfur, the results have been very mixed to date. This failure to effectively implement these measures is often attributed to the absence of a systemic understanding of what types of activities fall under the umbrella of protection within peacekeeping mandates. Only when the Council's intent is translated into clear and actionable guidelines can protection-oriented initiatives on the ground be fully achieved by adequately trained personnel armed with the requisite resources.

While the primary responsibility for protecting civilians lies with the State, world leaders at the 2005 World Summit recognized the responsibility we all share to protect vulnerable communities from genocide, war crimes, ethnic cleansing and crimes against humanity. The international community has already demonstrated its preparedness to take collective action when national authorities manifestly fail to investigate, prosecute and adequately punish violations of international humanitarian law. We should not be seen wanting in translating these words into action. For its part, Croatia believes that the International Criminal Court has a key part to play when States fail to uphold these inherent responsibilities. It is our conviction that the obligation to cooperate with the Court, arising both from the Rome Statute and from decisions of the Security Council, must be strictly adhered to.

Furthermore, the full implementation of smart sanctions and other targeted measures by the Security Council with respect to individuals or parties to conflict carrying out widespread or systematic violations of international humanitarian or human rights law, including sexual violence, should not be overlooked.

We learned from the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, in an earlier debate this past October, that some important progress has been achieved in mainstreaming a gender perspective into the overall peace and security architecture. Indeed, the Council's thematic debates and discussions of country-specific conflict situations on its agenda that have addressed the protection of women and children have produced positive results. The watershed recognition in resolution 1820 (2008) of all sexual violence against civilians as a security threat and the need for a systematic response has created important momentum towards the protection of civilians, which we must be careful not to lose in the ensuing work of the Council. As part of this systematic response, Croatia further believes that, in line with the Secretary-General's recommendation, the Council should dispatch more missions to assess situations in which sexual violence is being used as a tactic of war.

Alongside the protection of civilians, another critical humanitarian challenge continues to be that of access of humanitarian assistance. The interests of civilian populations must be placed first, especially by

guaranteeing unhindered access to humanitarian assistance and supplies. Croatia is also deeply concerned by the continued dangers and security risks faced by humanitarian personnel at the field level as they operate in increasingly complex situations. Croatia commends the courage and commitment of those who work under great personal risk, especially locally recruited staff. We urge all humanitarian personnel on the ground to adhere to the principles of humanity, impartiality, neutrality and independence.

As a strong supporter of the Oslo process from its inception, Croatia joined other signatories in signing the Convention on Cluster Munitions in December. The conclusion of a legally binding international instrument that prohibits the use, production, transfer and stockpiling of cluster munitions represents an important step towards enhancing the security of civilians in conflicts in many regions worldwide.

In conclusion, Croatia views the latest updated version of the aide-memoire to be annexed to the draft presidential statement as a welcome step. We would like to express our gratitude to the Office for the Coordination of Humanitarian Affairs for all its efforts in compiling the latest text in consultation with the Council. It represents an important catalogue of Council precedents on key issues, which will allow the Council to be more systematic in its approach to integrating the protection of civilians into all relevant aspects of its work. Given the current trends in contemporary conflicts, Croatia would like to see the aide-memoire updated on a more regular basis.

Finally, in line with the EU's position, Croatia supports the establishment of an informal expert group on the protection of civilians. Croatia reiterates its continued commitment to the protection of civilians and looks forward to working with Council members and the international community to greatly improve their situation worldwide.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We believe the initiative to hold this meeting to be a very timely one, especially in the light of events in Gaza and the rising number of innocent civilian deaths in other regions of the world. We are grateful to Under-Secretary-General Holmes for the relevant information he has provided on this issue.

Despite the existence of a host of international legal instruments and normative mechanisms, entirely innocent civilians continue to suffer in conflict situations, including women, children and older persons and humanitarian personnel providing assistance to them. We are convinced that, in order to address the situation, we must abandon selective approaches to violations of international humanitarian law. There must also be strict adherence to human rights standards.

The relevance of that need was underscored by the tragic events of August 2008 in the southern Caucasus, when Russia's intervention alone prevented ethnic cleansing in South Ossetia. I recall that, on the night of 7 August, Georgian troops ruthlessly attacked the town of Tskhinvali. Innocent civilians were subjected to a barrage of heavy artillery and the launching of numerous Katyusha rockets. The Zar road, along which refugees were attempting to flee the town to safety, was singled out for attack. Homes, schools, kindergartens, hospitals and even ambulances were fired at. In the first hours, many hundreds of people were injured or killed. In recent months, those facts have been convincingly corroborated by documents as well as the media. However, certain influential members of the international community are in no hurry to provide a political assessment of the situation, without which it is impossible to seriously consider the issue of the protection of civilians in armed conflict. Of course, prosecuting those responsible for those crimes continues to be an urgent matter.

We strongly condemn deliberate attacks on and the killing of civilians through the indiscriminate or disproportionate use of force, which is a gross violation of international humanitarian law. In that regard, we are deeply concerned about the escalation of the crisis in Gaza as a result of Israel's military operation. The situation in Gaza is on the very brink of a humanitarian catastrophe. The Russian Federation has provided urgent humanitarian assistance to Gaza's population through Egypt.

As a result of full-scale military operations, there has been a sharp increase in casualties among the Palestinian civilian population, more than a third of which have been women and children. We are deeply concerned about reports of Israel's use of cluster bombs, whose use is prohibited in populated areas, the destruction of infrastructure, including United Nations schools, and the deaths of humanitarian personnel from Israeli fire. Those actions are absolutely inappropriate and are flagrant violations of international law. We call

upon all parties to comply with resolution 1860 (2009) and to immediately cease fire.

Civilian populations continue to suffer in Iraq and Afghanistan. That matter should receive greater attention from the Security Council and other United Nations bodies. There is no justification for armed groups that attack innocent civilians, commit terrorist acts or seize hostages. Unfortunately, civilians continue to die in Iraq and Afghanistan with tragic regularity, and not just as a result of their actions. Once again, just a few days ago, 17 Afghan civilians, including women and children, were killed during a coalition operation in eastern Afghanistan. We underscore the responsibility of all parties, including the multinational forces, to ensure the security of civilians and comply strictly with the norms of international humanitarian law. We support a careful investigation into such incidents, including punishment for the guilty. That also applies to the activities of private security companies. The holding of hundreds of children in military jails in those countries on the basis of arbitrary accusations and without access to civilian justice is unacceptable.

We are also very concerned about the situations in the Democratic Republic of the Congo and Somalia, where civilian lives are under serious threat from the criminal actions of armed groups.

The situation of Darfur's civilians is also difficult. There is hope for improvement as a result of the political process of negotiations, including the full deployment of the African Union-United Nations Hybrid Operation in Darfur.

The protection of civilians is a top priority for the Governments of States involved in conflict, but the responsibility to provide for the safety and security of civilians is borne by all parties to an armed conflict. In order to resolve such situations, the international community must effectively seek scrupulous compliance by all parties with the norms of international humanitarian law and the relevant decisions of the Security Council.

Ms. DiCarlo (United States of America): I too would like to thank Under-Secretary-General Holmes for his briefing. I would also like to thank him and his staff for their work to update the aide-memoire on the protection of civilians in armed conflict.

The United States shares the concerns of the international community with regard to the vulnerability of civilians who find themselves in the midst of conflict through no choice or fault of their own. Women and children are particularly vulnerable in those situations. While the need for the protection of civilians is clear, how to achieve that goal is one of our most pressing collective challenges.

The primary responsibility for protecting civilians lies with all the parties to an armed conflict. The United Nations also has an important role. The protection of civilians is now specifically included in half of the mandates of current peacekeeping operations, and is the core mandate of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the United Nations High Commissioner for Human Rights.

The United States shares the view that we must stand ready to help to promote the safety and security of the dedicated humanitarian workers who attempt to provide relief for civilian populations throughout the world. As we all know, there is a lack of humanitarian access in many areas of conflict, which should be urgently addressed.

The situation in Gaza gives us all pause, as we contemplate how the conduct of hostilities and violence in both Gaza and southern Israel impacts the civilian population. As suggested by resolution 1860 (2009), intra-Palestinian reconciliation and the implementation of the two-State solution will provide the ultimate guarantee of the protection of civilians in both Gaza and southern Israel.

For the immediate term, the United States reiterates the call, recently made in resolution 1860 (2009), that all violence against civilians, including acts of terror, be halted, with an eye towards a durable and fully respected ceasefire. We must not forget, however, that this outburst of violence was instigated by Hamas, a terrorist organization that called for the destruction of Israel, by its barrage of rockets and mortars that deliberately targeted Israeli civilians.

Ongoing hostilities in Gaza have exacerbated the plight of the Palestinian people by making it more difficult for the international community to deliver much-needed humanitarian assistance and goods to the people in Gaza. The United States echoes the call for the unimpeded provision and distribution of adequate humanitarian assistance to meet the growing

humanitarian needs of Palestinians in Gaza, including provision of food, fuel, shelter and medical treatment, as well as protection for the displaced. We further note an additional obligation of all parties to refrain from deliberately using the civilian population and religious, educational and civic institutions to shield active combatants, command and control facilities and munitions stockpiles. The United States calls on Hamas to immediately cease this reprehensible and cowardly practice that places innocent civilians at grave and unacceptable risk.

While Israel has an unquestionable right to defend itself against terrorist attacks, we urge the Government of Israel to take all appropriate steps to ease access and movement for humanitarian goods and workers, to avoid civilian casualties and to minimize the impact on innocent civilians.

My Government also remains gravely concerned about the ongoing and widespread use of sexual and gender-based violence in conflict situations throughout the world. This is one of the most significant protection challenges, and one that is too often ignored. Sexual and gender-based violence must be more effectively addressed, and United Nations peacekeeping missions have a clear role to play in preventing this violence and addressing its impact. The United States condemns sexual violence as an instrument of policy and calls for an end to this gross injustice. We urge States to take concrete steps to end both the use of rape as an instrument of war and impunity for perpetrators.

We are also deeply concerned about the recruitment of child soldiers by Governments and rebel movements in the Democratic Republic of the Congo, in the Sudan, by the Lord's Resistance Army, by the Burmese regime, by the Liberation Tigers of Tamil Eelam in Sri Lanka, by the Revolutionary Armed Forces of Colombia and by other groups and Governments too numerous to name here.

The United States continues to seek comprehensive approaches to resolve protracted refugee situations in all parts of the world through support for durable solutions. We also seek innovative approaches to develop livelihood strategies and to maximize opportunities for the self-reliance and empowerment of refugees. Where conflict is causing civilians to flee and seek asylum, we are working actively with other Governments to provide protection to those in need.

We call on Member States to renew their commitment to uphold the right to asylum, to protect civilians from forcible return to situations where they fear persecution and to provide durable solutions for refugees and stateless persons. The United States for its part provides a significant portion of the funds needed by United Nations agencies to do their good work, as evidenced in part by our recent pledge of $85 million to assist the United Nations Relief and Works Agency for Palestine Refugees in the Near East in its work to care for Palestinian refugees.

The United States is working in other ways to actively promote the protection of civilians. A primary example is our work in training peacekeepers through the Africa Contingency Operations Training and Assistance (ACOTA) programme. Through ACOTA we provide training for African peacekeepers preparing to deploy to regional or international missions on their continent. In 2008, the United States trained over 26,000 African peacekeepers through this programme. Ninety-two per cent of these ACOTA-trained peacekeepers are deployed to the United Nations Mission in Liberia, the United Nations Organization Mission in the Democratic Republic of the Congo, the African Union-United Nations Hybrid Operation in Darfur, the United Nations Operation in Côte d'Ivoire, the United Nations Interim Force in Lebanon and the African Union Mission in Somalia, with the additional 8 per cent standing by for planned deployment.

The United States remains committed to the protection of civilians in armed conflict, both in connection with the work of the Council and in our activities throughout the world. We applaud efforts by the Office for the Coordination of Humanitarian Affairs and other United Nations offices to assist the civilian victims of armed conflict. We fully endorse the work of the United Nations in this realm and pledge continued United States support to prevent and mitigate the effects of conflict on civilian populaces throughout the world.

Ms. Pierce (United Kingdom): Let me join others in thanking the Under-Secretary-General for his briefing today. We share many of the concerns that he has raised, and the aide-memoire that we have gathered to adopt today shows the weight of consideration that the Security Council has given to this issue over the years.

But I think we need to apply some perspective: Have we really come far enough? Given the perilous situation in which many civilian populations find themselves today, it is imperative that the Security Council proactively ensure that this issue remains at the forefront of our work.

We are very grateful to the peacekeepers who take on the vital protection function. But we should not forget that it is the parties to an armed conflict who bear the primary obligation under law to protect civilians.

I want to say at the outset that I have listened very carefully to the debate today, and I have also listened to the national experiences that Council colleagues have described. I must say that I do not agree with all the characterizations of situations that we have heard today. But I do not want to turn this of all meetings into a political debate, so I will not go into detail. I would simply like to place on record that we do not share all those characterizations.

The Under-Secretary-General rightly led off with Gaza, and this is very much at the forefront of everyone's minds, as we have heard today. We discussed it also in last week's meeting with the United Nations High Commissioner for Refugees (see S/PV.6062). The civilian population now is all the more vulnerable because it cannot flee. I would like to join other Council members in reiterating the call for an immediate and durable ceasefire, condemning all acts of violence directed against civilians and condemning all acts of terrorism. What we and others need to see is the full implementation of resolution 1860 (2009).

I would also like to pay tribute to the United Nations and other workers who are trying to bring stability, peace and help to Gaza in what are obviously extremely difficult circumstances.

We have heard a number of speakers raise various conflicts which are on our minds at the moment. In addition to Gaza, I would like to bring up the situation in the Democratic Republic of the Congo. Events there have emphasized the scale of the task we face. Obligations are not being met. The Council has been very clear that the primary task for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) is the protection of civilians. We would like to see its unambiguous mandate in this respect translated into action on the ground. We would like to see the concept of operations adjusted to reflect the priority that the Council attaches to the protection of civilians. In turn, that requires an understanding of the specific activities that peacekeepers can conduct to turn Council language into reality.

A while ago, it was incumbent on NATO and other nations to go into Bosnia to uphold the Dayton Peace Agreement. I think that was one of the first mandates in recent times to have had protection of civilians as one of its core tasks. I would like to take this opportunity to invite all Council members who, for one reason or another, opposed robust language in peacekeeping mandates on the protection of civilians and who opposed chapter VII authority to back up forces who undertake tasks for the protection of civilians to reflect on whether their actions, whatever the political justification may be, are actually, overall, aiding the Council's work on protection of civilians.

The protection of civilians is not a role for which many militaries have traditionally trained. The implementation of Council directives on protection have been met with adaptation and flexibility by United Nations peacekeepers. We now have good practice on which we can build, but we need a more systematic approach on this to ensure that protection issues are properly understood and that there is comprehensive United Nations guidance on how exactly to go about engaging in protection: what it means to take given decisions on a given day on the ground. We feel that practice here is somewhat incomplete and that more training for troop contributors in the field could be useful in that respect.

Afghanistan was mentioned by the Under-Secretary-General and a number of other speakers. We very much regret the civilian non-combatant deaths and casualties there, and we send our condolences to the victims. I want to make it clear that we do not target civilians. We keep our procedures on targeting under rigorous review, and we will continue to do so.

Other things that we have been discussing include the informal Council expert group. We hope that we can create such a group to help the Security Council, under resolution 1674 (2006), to systematically address protection issues. The aide-memoire can be an important instrument underpinning the expert group's considerations. Likewise, we support the United Nations system's ongoing work to produce guidance for peacekeepers, as I said earlier.

If we engaged in more systematic consideration of protection issues, such as through an expert group, that might also provide an opportunity for some creative thinking about how to deal with uniquely difficult situations. We heard about the Lord's Resistance Army today; we too are very disturbed by the recent reports of the high number of civilian casualties that they have inflicted. I think that the Permanent Representative of Uganda captured the problem well when he talked about the need for the Council to find some way to address non-State actors. I hope that that could be a theme of ours in 2009.

I should like to conclude by mentioning the responsibility to protect. The 2005 World Summit Outcome is clear about the responsibility that falls to the Council under the responsibility to protect. There is not yet a unified view within the Council or within the membership at large about what the responsibility to protect means in practice, but I hope that the recent work done in that area, including by representatives of the Secretary-General, can shortly bring us to a common understanding of what needs to be done as part of our work to address the question of enhancing the protection of civilians.

The President (*spoke in French*): I shall now make a statement in my national capacity.

I should like at the outset to welcome the Under-Secretary-General and commend his continued commitment, as well as that of his teams on the ground, to the protection of civilians in armed conflicts. I should also like to thank him for his introductory statement today.

France, of course, aligns itself with the statement to be made shortly by the representative of the Czech Republic on behalf of the European Union.

Our debate is taking place in a particular context, which everyone has stressed. We are, of course, deeply concerned by the situation in Gaza. Once again, the civilian population is paying a terrible price. We urge the parties to the conflict to spare civilians. International law, in particular international humanitarian law, must be respected. We condemn violence against civilians, whether they be Palestinians or Israelis. We also condemn terrorism in all its forms.

In our view, the absolute priority should be the implementation of a ceasefire, as requested in resolution 1860 (2009). In that regard, we hope that the diplomatic efforts under way, in particular the Franco-Egyptian plan, will very soon succeed. The news reaching us from Cairo appears promising in that regard.

Generally speaking, the international community must ensure effective compliance with the rules of international law concerning the protection of civilians. The United Nations is sparing no effort in that respect, particularly in the context of peacekeeping operations. It is preparing to take over from the military missions carried out by the European Union in eastern Chad and north-eastern Central African Republic, in addition to that carried out with the African Union in Darfur, through the African Union-United Nations Hybrid Operation in Darfur.

The renewed mandate of the United Nations Organization Mission in the Democratic Republic of the Congo at the end of last year is centred on the protection of civilians, and we welcome that. However, the civilian protection mandates entrusted to peacekeeping operations in cooperation with the Office for the Coordination of Humanitarian Affairs (OCHA) must be concretely reflected on the ground. That dimension must be systematically incorporated into operation planning documents. This point will be among those to be discussed at the peacekeeping seminar and debate to be held in the Council by France and the United Kingdom on 22 and 23 January.

France welcomes the establishment of the Security Council's informal expert group on the protection of civilians. The group is necessary. It must enable the Council to respond more systematically to the need to protect civilians in cases in which a peacekeeping operation is being considered or renewed. France thanks OCHA and supports the updated aide-memoire that we will adopt shortly. It should serve as a reference. We must also develop language to address the challenges facing us.

However, France regrets the fact that the aide-memoire did not devote a separate section to sexual violence, as initially planned. Indeed, sexual violence is used in many conflicts as a weapon of war against civilians, particularly in the Democratic Republic of the Congo and in the Sudan. Women are particularly affected. France calls for strict compliance with resolutions 1325 (2000) and 1820 (2008) and encourages the Council to give this issue all the importance it deserves.

Finally, we must give particular attention and particular protection to children. The activities of the Working Group of the Security Council on Children and Armed Conflict, which France has had the honour to chair since its establishment, has made it possible to document the demobilization of thousands of child soldiers. We must strengthen their reintegration into civil society and muster the necessary resources to that end.

France supports the idea that reports of the Secretary-General on the situations in various countries should specifically address civilian protection. States have the primary responsibility for protecting their populations from the most serious humanitarian crimes, but the international community must be ready to mobilize in the event of inability or lack of will on the part of States.

As members are aware, France is particularly committed to the concrete implementation of the concept of the responsibility to protect. It is an ambitious concept. It does not mean merely intervening in the midst of a crisis to stop the most horrendous crimes; it means acting in advance to prevent them. It is time to strengthen the warning and surveillance mechanisms in areas and situations at risk. Let us work together in the months ahead to achieve a consensus on that point.

What would the protection of civilians be without the fight against impunity? Those responsible for the most serious crimes must be pursued and punished. In particular, France reaffirms its support for the activities of the International Criminal Court and calls upon all States to accede to the Rome Statute.

France welcomes the adoption, at the Dublin Conference, of a binding text banning all cluster munitions causing unacceptable damage to civilian populations, as well as the fact that 94 States have signed the Convention on Cluster Munitions.

Forced displacements concern us. France commends the activities of the Office of the United Nations High Commissioner for Refugees and of all those involved in providing assistance to refugees and internally displaced persons. The civilian nature of camps for refugees and displaced persons must be guaranteed. The voluntary return of such persons, as long as the conditions for security are fulfilled, and the rights of returnees must be guaranteed. Resettlement can be considered an alternative solution to voluntary return.

Finally, the number of humanitarian workers killed this year is the highest ever recorded. We must protest and combat that situation, which is not acceptable. All attacks against humanitarian personnel must cease. Host States must ensure their security, thus helping to protect civilians.

France appeals — everywhere, strongly and systematically — for compliance with international humanitarian and human rights law. This battle is essential. It must be fought in unity and with resolve. France is committed to it.

I now resume my functions as President of the Security Council.

I call on the representative of the Czech Republic.

Mr. Palouš (Czech Republic): I have the honour to speak on behalf of the European Union (EU). The candidate country Croatia and the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia, as well as Armenia, the Republic of Moldova and Ukraine, align themselves with this statement.

I should like to thank the presidency of the Security Council and the Secretary-General for this thematic debate and to commend Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his informative briefing.

The European Union particularly welcomes this debate, as it is taking place 60 years after the adoption of the Geneva Conventions, which contain the core norms and principles of international humanitarian law concerning the protection of civilians in situations of aimed conflict.

In this respect, the EU urges States that have not yet done so to accede to both Additional Protocols of 1977 to the Geneva Conventions and to consider accepting the competence of the International Fact-Finding Commission, pursuant to Article 90 of the Additional Protocol I.

On numerous occasions, the Security Council has demanded that all parties to armed conflicts comply with their obligations under international humanitarian

law to protect civilians in armed conflicts. Unfortunately, as we speak, civilians continue to bear the brunt of the conflicts.

The EU emphasizes the need to develop in parallel additional concepts based on the aim to protect civilian populations, human security and the responsibility to protect. The EU welcomes the endorsement by heads of State and Government of the principle of the responsibility of protection; therefore, we call for the full implementation of this principle by the Security Council as well as by the General Assembly. The EU is ready to contribute and commends other organizations or groups for taking initiatives to make this principle a norm in international relations.

The EU is firmly committed to the full and effective implementation of Security Council resolutions 1325 (2000) and 1820 (2008). The EU is concerned by the continued high prevalence of sexual and gender-based violence in situations of armed conflict, including as a tactic of war. Resolution 1820 (2008) also calls for dealing with these crimes as a security problem, requiring a systematic security response that is proportional in scale and magnitude.

The EU has been strengthening its policy on sexual and gender-based violence by pursuing three objectives: preventing violence, protecting and supporting victims, and combating the impunity of perpetrators of violence. The EU member States demonstrated their deep commitment to these objectives by co-sponsoring resolution 1820 (2008) and by adopting long-term EU guidelines on violence against women and girls and combating all forms of discrimination against them in 2008, as well as adopting a European Security and Defence Policy document on the implementation of resolution 1325 (2000) as reinforced by resolution 1820 (2008) in the context of the European Security and Defense Policy.

Similarly, the EU continues to strongly support the valuable work done by the Special Representative of the Secretary-General for Children and Armed Conflict and the Security Council Working Group on Children and Armed Conflict. The EU member States continue to implement long-term EU guidelines on the protection of children affected by armed conflict and is interested in cooperating with other States on this issue on the basis of resolution 1612 (2005), which sets an enhanced framework for the protection of children in armed conflict.

The EU remains deeply concerned by the continuing practice of recruitment and use of child soldiers, in clear violation of international legal obligations and other relevant principles. In this context, I would like to invite all countries to ratify and implement the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, and to adhere to and follow the Paris Commitments and Principles adopted in 2007.

We should also bear in mind the basic needs of refugees and internally displaced persons. The EU is continuously concerned by the growing number of internally displaced persons and calls for ensuring their protection.

Regrettably, in many conflicts, impunity prevails due to the lack of political will and action. Therefore, the Security Council should make clear once again that any action against civilian populations, including genocide, war crimes and crimes against humanity, are unacceptable. The International Criminal Court (ICC), the International Criminal Tribunals and the special courts are working hard to promote peace and justice. The EU encourages all States to provide their full support to the ICC by acceding to the Rome Statute and cooperating with the Court. All appropriate measures should be used to prevent violence and to bring to justice perpetrators of serious violations of human rights and international humanitarian law. The EU would also like to express its full support for the Special Adviser to the Secretary-General on the Prevention of Genocide.

Let me reaffirm our gratitude to and solidarity with humanitarian actors whose safe, unhindered and timely access to the civilian population, in particular in times of armed conflict, is a fundamental condition for the fulfilment of their mandates and mission.

We encourage humanitarian personnel on the ground to follow the principles of humanity, impartiality, neutrality and independence, and we call on the recipient countries to ensure their safety and security. We urge all countries that have not yet done so to sign and ratify the Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol, and we invite the Secretary-General to further include their provisions in host country and other agreements.

A landmark development has recently taken place on the containment of the risks posed by cluster munitions. The EU wishes to commend the increasing support of States for the Convention on Cluster Munitions, which prohibits the use, production, transfer and stockpiling of cluster munitions. The EU remains determined to negotiate within the Convention on Certain Conventional Weapons, a legally binding instrument that addresses the humanitarian concerns of cluster munitions in all their aspects. In the view of the EU, such results would reinforce the importance of this convention as part of the corpus of international humanitarian law.

The EU welcomes the progress achieved in the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the review of the Geneva Declaration on Armed Violence and Development during the year 2008. Mainstreaming coherent policies on small arms and light weapons within United Nations agencies and among its Member States remains a challenge that needs to be addressed in depth.

Finally, the EU maintains the view that the protection of civilians is a key aspect of the United Nations peacekeeping and peacebuilding efforts, and must be comprehensively, systematically and consistently incorporated in all Security Council mandates.

The EU wants to underline that the Security Council has recently made important decisions that enforce the protection of civilians component and the respect of international humanitarian law in the mandates of the United Nations Organization Mission in the Democratic Republic of the Congo, the African Union-United Nations Hybrid Operation in Darfur and the United Nations Mission in the Central African Republic and Chad. The EU looks forward to the Secretary-General's report on the implementation of the protection mandates in the peacekeeping missions.

In this context, the EU also emphasizes the need for close coordination and meaningful positive synergies of policies regarding the protection of civilians within the United Nations framework activities in other key areas, such as human rights, gender equality, children in armed conflict, the rule of law, small arms and light weapons, disarmament, demobilization and reintegration, and security sector reform.

We believe that the updated aide-memoire to be annexed to the statement by the President of the Security Council will prove to be an inclusive instrument in integrating various aspects of the protection of civilians. I want to express the EU's firm support for the establishment of an informal experts group on the protection of civilians and encourage the use of the aide-memoire as a reliable reference for future reviews of peacekeeping and other mandates.

With this, let me reassure the Council of the EU's continued commitment on this important issue.

The President (*spoke in French*): I now call on the permanent representative of Italy.

Mr. Terzi di Sant'Agata (Italy): I wish to thank you, Sir, for taking the initiative to convene this debate. I also wish to express my sincere appreciation to Under-Secretary-General Holmes for his thorough and passionate briefing, which gives us a picture of the progress achieved and of the ongoing concerns about the protection of civilians in armed conflicts. This briefing confirms his focused and action-oriented approach.

Italy fully associates itself with the statement delivered by the representative of the Czech Republic on behalf of the European Union. I will touch on points of particular interest to my country.

Today we have heard once again from Under-Secretary-General Holmes a very disturbing description of the negative effects of conflicts around the world, especially in Gaza and southern Israel: denials of humanitarian access and the appalling consequences of hostilities, including the scourge of sexual violence. When sexual violence targets or is part of a widespread attack against a civilian population, it becomes a method of warfare. This is inadmissible. In such cases, sexual violence constitutes a threat to international peace and security and the Security Council, in our view, should be able to intervene.

In operational terms, allow me to take advantage of my country's recent experience as a non-permanent member of the Security Council to recall the following.

When it comes to peacekeeping, United Nations operations should be clearly mandated to ensure the protection of civilians, as was the case during the

negotiations for the renewal of the mandate of the United Nations Assistance Mission in Afghanistan, and to subsequently report on it. Once again, we welcome the joint study being conducted by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations (DPKO).

We also welcome the positive developments in the Secretary-General's proposals for an informal consultation forum on protection among Council members at the expert level. We firmly believe that this would enable all Council members to systematically consider the protection of civilians in the Council's deliberations, specifically on the establishment, assessment and renewal of peacekeeping mandates. In this regard, we should encourage DPKO's development of policies and guidance to ensure the consistent and harmonized implementation of the mandates.

With regard to access, we need to enhance the Emergency Relief Coordinator's monitoring of and reporting on serious access constraints.

On a more general note, I would like to recall the reaffirmation in resolution 1674 (2006) of the principle of the responsibility to protect, a cardinal achievement of the United Nations. This principle implies that sovereignty brings special responsibilities. Governments must protect their own populations, and the best way for them to do so is to promote human rights, the rule of law and democratic governance. Only when a Government is unable or unwilling to do so should the international community intervene. The responsibility to protect should not be perceived in a confrontational manner; it should be seen instead as an instrument available to the international community to overcome crises, provided that the conditions referred to in paragraphs 138 and 139 of the Summit Outcome Document (General Assembly resolution 60/1) are met. In this framework, the debate on the upcoming report of the Special Adviser to the Secretary-General, Mr. Ed Luck, will be a timely opportunity to build on the consensus achieved at the 2005 World Summit and to concretely implement the responsibility to protect. Italy intends to actively participate in that debate.

I would also like to recall my country's commitment to combating impunity for international crimes. In situations in which any civilian population is the target of attacks, the Rome Statute of the International Criminal Court provides the legal basis for holding accountable those responsible for the attacks if a State is unwilling or unable to do so. In this regard, we must reiterate our commitment to ending impunity.

In closing, we welcome the Council's endorsement of the aide-memoire and stress the need to implement the approaches it sets out on a more regular and consistent basis.

The President (*spoke in French*): I now call on the representative of Canada.

Mr. McNee (Canada): On behalf of the Government of Canada, I would like to extend my thanks to France for convening this important debate today, and to thank the Under-Secretary-General for his briefing this morning and for all his very dedicated efforts for the protection of civilians.

This year's debate looks forward to the upcoming tenth anniversary of landmark achievements in advancing the protection of civilians in the Council stemming from resolution 1265 (1999) — a resolution that was groundbreaking in proposing actions to address both legal and physical protection concerns. Since this issue was first brought onto the Council's agenda, important progress has been made. Canada applauds efforts to ensure that the protection of civilians becomes part of our collective consciousness. Nonetheless, critical gaps remain between key principles and the daily actions taken to respond to protection challenges — gaps keenly felt by civilians in conflict situations around the world.

Civilian populations caught in armed conflict often account for the majority of casualties as indirect victims and, more sobering still, as deliberate targets. In the Democratic Republic of the Congo, the recent escalation of fighting has led to the displacement of hundreds of thousands of people, as well as to a serious increase of sexual and gender-based violence. In Sri Lanka, civilian populations continue to face unending displacement as they move ahead of shifting front lines to avoid crossfires.

In Afghanistan, over a quarter of a century of conflict has taken a heavy toll on the population and serves as a potent reminder of why our support for the Afghan Government is so important. Needs-based humanitarian action remains a key priority for Canada. Working with international partners, we remain focused on saving lives, alleviating suffering and

building self-reliance among the most vulnerable of the Afghan populace.

Looking ahead, there is much that the Security Council and all Member States can do. We have at our disposal a sophisticated normative legal framework based on international law and Security Council resolutions that lay out a set of mutually reinforcing commitments on the protection of civilians and responsibilities for the maintenance of international peace and security. But we must move from commitments by the Council to practical action. This can be done by bolstering the monitoring and reporting mechanisms which will assist in responding to given situations with the right tools in a timely and effective manner. Canada is particularly interested in progress on efforts to report rapidly to the Council when humanitarian access is denied or deliberately hindered. We applaud efforts to bring such instances to the Council's attention more systematically.

Humanitarian workers are also increasingly targeted, as we have seen in Somalia, the Democratic Republic of the Congo, the Sudan and Afghanistan; those are acts that we strongly condemn. Ensuring the safety of humanitarian workers is vital. We call on all parties to conflicts to respect the neutrality, impartiality and independence of humanitarian workers who undertake critical life-saving work, often at great personal risk.

It is important to strengthen the capacity of the international humanitarian system to address protection issues through mechanisms such as the protection cluster. Humanitarian and resident coordinators, as well as United Nations staff, must be confident and steadfast in raising protection concerns with relevant parties to conflict. The deployment of protection experts through the United Nations Protection Standby Capacity Project has become an important and successful element in filling capacity gaps in the field.

(*spoke in French*)

The Council and the broader United Nations membership have a role to play in ensuring that those who commit serious violations of international law be brought to justice. Here, the work of the International Criminal Court is critical in fostering accountability. It is also vital that protection issues be translated into clear and achievable operational guidance for military and civilian actors. Those upon whom we entrust protection responsibilities must have the knowledge and training required to effectively fulfil this role.

The aide-memoire on the protection of civilians serves as an important framework for defining threats that arise to civilian populations. Practical tools of this type facilitate effective responses to protection challenges. We support efforts to revise this important document.

For those affected and displaced by conflict, our actions matter far more than our words. Protection of civilians must be a priority. It is no easy task to resolve these issues or translate international legal norms into practical and realistic commitments. Nothing that is valuable in life is ever easy. But it is our collective duty to ensure that civilians everywhere will be afforded the basic human dignity that each individual deserves.

Mrs. Viotti (Brazil): The twentieth century lingers when it comes to the number of civilians killed in armed conflicts. Well into the first decade of this present century, a grim trend continues unabated in its path of destruction: civilian casualties still far outnumber combatants killed in action. In parts of the world, blatant disregard for international humanitarian law has led to atrocities, including genocide and crimes against humanity, which we had hoped would belong to the history books. Therefore, my delegation can only welcome the Council's growing attention to this issue and today's debate called for by France.

Among several aspects related to the protection of civilian casualties, I will touch upon the two that I believe lie at the core of the problem.

The first aspect is the failure of parties to conflicts to abide by their international obligations. Here, there can be no confusion or complacency. All — State and non-State actors — are bound by international humanitarian law and must fully respect it. Just as importantly, if and when observance is faulty or non-existent, it is up to the international community to ensure accountability. The tragic evidence of the importance of protecting civilians in conflicts and a test to our resolve in doing so is the current situation in Gaza. I wish to thank Under-Secretary-General John Holmes for his briefing and to express our deep appreciation to him for the outstanding work that the Office for the Coordination of Humanitarian Affairs (OCHA) is doing under the most trying of circumstances.

The disproportionate response by Israel has taken a dramatic toll on civilians in Gaza. The numbers of people killed and injured grow by the hour. As we have just heard, the number of dead is now over 900 people and the number of injured is fast approaching 5,000, and an unacceptably high proportion of the victims are civilians, in many cases women and children. Hospitals are near breaking point. Several thousand people have left their homes. Around 35,000 people have sought refuge at United Nations facilities. Food, water, sewage treatment, fuel, electricity and other basic items are lacking or are gravely insufficient for the overwhelming majority of the population. According to information from the United Nations, civilians are terrorized, traumatized and feeling trapped and helpless in a deadly rage of violence and destruction.

The firing on humanitarian convoys last week and the shelling in the vicinity of United Nations schools being used as safe havens for displaced people are intolerable and cannot be justified under any circumstances whatsoever. We join the United Nations in asking for an independent investigation of the incidents, which must not be repeated. Full accountability is indispensable. We are encouraged by the fact that United Nations humanitarian aid, which was briefly interrupted, could be resumed after reassurances given by Israel were considered credible.

The Minister for Foreign Affairs of Brazil, Mr. Celso Amorim, has just concluded a visit to the region, during which he spoke to the leaders and his counterparts in Syria, Israel, Jordan, Egypt and the Palestinian National Authority. He left the region even more convinced that a ceasefire is imperative.

The call made by resolution 1860 (2009) must be heeded immediately. That is so because innocent civilians are being killed in large numbers, and that must stop. It is also so because the lack of implementation of the resolution will erode the credibility of the Security Council, with consequences that go far beyond the present crisis. We therefore call for a mobilization of the international community to ensure full and immediate compliance with resolution 1860 (2009).

The second aspect I wish to comment upon is related to the first: the role of the United Nations when parties fail to abide by their obligations and peacekeeping forces are confronted or expect to be confronted with violence directed against civilians. This aspect is a growing concern of the international community, and of the Security Council in particular.

The need for United Nations forces to protect civilians in their areas of operation is a key moral and political component of peacekeeping missions. Our collective conscience could not and would not accept a situation where the United Nations would stand idly by as civilians are injured or killed on its watch. Public support for the Organization would suffer if it were seen as unable or unwilling to protect civilians in the midst of armed conflicts witnessed by its peacekeeping personnel.

For that situation to be avoided, it is essential that the Council continue to take steps to craft mandates and secure military resources consistent with such moral and political imperatives. The recent strengthening of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo and its authorized reinforcement testify to the importance that the Council and the United Nations give to this crucial task.

The adequate protection of civilians with refugee status must also be ensured. It is indispensable that the principle of non-refoulement is respected, as well as the right to seek asylum.

We concur with the Secretary-General's conclusion in his report to the Council dated 28 October 2007 (S/2007/643) that special attention must be paid to the issue of sexual violence in armed conflict. In the case of such violations of international humanitarian law, as well other practices tantamount to war crimes, crimes against humanity and genocide, the Council must seriously consider referring appropriate situations to the International Criminal Court.

The increasing incidence of deliberate attacks against humanitarian workers is also an area in which the Council must continue to focus its efforts. Such attacks are wholly unacceptable and must not be tolerated. It is absolutely essential that the humanitarian space be fully preserved and that safe and unhindered access to populations in need be assured.

We hope that the adoption by the Council today of the updated aide-memoire prepared by the Office for the Coordination of Humanitarian Affairs, which addresses these and other important issues, will contribute to the concrete implementation of the Council's resolutions on protection of civilians in

armed conflict, especially resolutions 1674 (2006) and 1820 (2008). More importantly, we hope that the Council will remain engaged in efforts to effectively address the need to protect civilians in armed conflicts when the parties fail to fulfil their obligations.

Mr. Natalegawa (Indonesia): At the outset, I would like to thank you, Mr. President, for convening this deliberation on the critical issue of the protection of civilians in armed conflict. We would also like to thank Under-Secretary-General John Holmes for his important briefing.

The issue before us is one that has certainly received heightened attention. However, more needs to be done to match decisions and declarations with reality, as we are still witnessing a large number of civilians falling victim to armed conflicts around the world.

Indonesia is committed to addressing the impact of armed conflict on civilians. We are both deeply concerned and saddened that civilians continue to be the victims of acts of violence committed by parties to armed conflicts, including as the result of deliberate targeting, the indiscriminate and excessive use of force, and sexual and gender-based violence, as well as other acts that are in violation of international law, including international humanitarian law, human rights law and refugee law.

We wish to underscore at least three basic conditions as prerequisites to providing protection for civilians in armed conflicts.

First, safe and unhindered access should be given for humanitarian personnel to provide assistance to civilians in armed conflict. The deliberate targeting of humanitarian convoys and personnel is a deplorable and unacceptable situation and one that is patently illegal.

Secondly, humanitarian personnel need to continue to uphold and respect the broad principles of humanity, neutrality, impartiality and independence in carrying out their role in a zone of conflict. The implementation of those principles will remove any justification for the sides in a conflict to hamper the provision of aid and assistance to populations in need.

And thirdly, the parties to armed conflict should take all precautions and measures necessary to spare civilians and humanitarian workers and facilities from the effects of hostilities.

While the Council's work in the protection of civilians in armed conflict is critically important, it cannot succeed on its own in the absence of cooperation on the ground, and without other relevant regional and international organizations taking part. Building a culture of protection, through the engagement of United Nations agencies, regional and international humanitarian organizations and other relevant actors, is essential in order to raise awareness of civilian suffering and develop action plans to prevent further loss of life.

The issue of the protection of civilians in armed conflict has become even more prominent in view of the deep suffering being inflicted by Israel in the Gaza Strip. Israel continues to stubbornly defy the call by the international community, principally through Security Council resolution 1860 (2009), to end its military operation. Far from heeding that call, Israel has persisted in breaking international human rights and humanitarian law. It is especially galling that Israel has claimed that its actions are intended to protect civilians. Far from it: Israel's policy of collective punishment and its utter disregard of well-established humanitarian principles are deeply repugnant.

In the past few days, Israel has not only continued to intensify its air and ground operations, but has also moved into densely populated Gaza City, causing a spiralling death toll among Palestinian civilians. With the escalation of military attacks, it is even more difficult, if not impossible, for humanitarian workers to operate and deliver aid to those civilians in dire need. The consequences are absolutely clear: the suffering of the Palestinians in Gaza Strip will only get worse.

If we commit ourselves to protecting civilians in armed conflict — a commitment that underpins our deliberations today — this is clearly the moment to act to protect civilians and to ensure that the fighting comes to an immediate end.

Finally, we welcome and appreciate the efforts of the Office for the Coordination of Humanitarian Affairs in preparing the updated aide-memoire that will be adopted by the Council.

In this context, we wish to reiterate our belief that the protection of civilians should and must be based on the three pillars of the United Nations: human rights, security and development, which are closely interlinked. Efforts to protect civilians in armed

conflict situations will be rendered futile should we lose sight of that paramount perspective.

The tragic situation in the Gaza Strip clearly shows not only that civilians need their rights and security to be protected, but also that they require the basic necessities for survival and for weathering the conflict until a resolution is achieved. Clean water, food and shelter are some of the basic needs that have to be provided by all parties to all civilians in armed conflict as a matter of necessity, not least in the Gaza Strip.

The President (*spoke in French*): Some 30 speakers remain on my list for this meeting. I intend, with the concurrence of the members of the Council, to suspend the meeting until 3 p.m.

The meeting was suspended at 1.15 p.m.

Security Council

Sixty-fourth year

Provisional

6066th meeting

Wednesday, 14 January 2009, 3 p.m.
New York

President:	Mr. Lacroix	(France)
Members:	Austria	Mr. Ebner
	Burkina Faso	Mr. Koudougou
	China	Mr. Hu Bo
	Costa Rica	Mr. Weisleder
	Croatia	Mr. Skračić
	Japan	Mr. Ashiki
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Puente
	Russian Federation	Mr. Zheglov
	Turkey	Ms. Ormancı
	Uganda	Mr. Butagira
	United Kingdom of Great Britain and Northern Ireland	Mr. Saltonstall
	United States of America	Ms. Lavin
	Viet Nam	Mr. Bui The Giang

Agenda

Protection of civilians in armed conflict

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09-20856 (E)

The meeting resumed at 3.10 p.m.

The President (*spoke in French*): I give the floor to the representative of Switzerland.

Mr. Maurer (Switzerland) (*spoke in French*): I thank the delegation of France for having organized this debate and Under-Secretary-General John Holmes for his briefing this morning.

My country is grateful to the Office for the Coordination of Humanitarian Affairs (OCHA) and to other United Nations entities for their committed efforts in the area of civilian protection.

I should like to focus my statement on the following several points. First, the protection of civilians in armed conflict is a permanent necessity and requires the concerted action of many actors. The Emergency Relief Coordinator has rightly mentioned a number of specific situations that show the importance of having a conceptual framework that is clear but that is applied in a flexible manner. Our strategic objective must be to strengthen the protection framework and to ensure that it is actually implemented in conflicts on the ground.

Secondly, we appreciate the work undertaken by OCHA to update the aide-memoire. That very practical text illustrates the developments made in this area over the past few years. In terms of the work of the Council, we identify several major challenges. It must ensure that best practices are applied more systematically and that the language of protection is better integrated into country-specific resolutions. There must be further development of specific implementation mechanisms; hence the importance of the establishment of a group of experts on the protection of civilians. Resolutions should better reflect needs on the ground; this requires better articulation of protection mandates in the terms of engagement of peacekeeping operations, the enhancement of monitoring capacities, more systematic methods of information gathering and the integration of some of these activities into the budgets of peacekeeping operations.

Moving forward in that way, efforts to ensure better coherence will also need to be stepped up. Good practices learned in one case should be applied in others. Representatives from throughout the United Nations system and experts should be invited more frequently to present their views, thus enabling the Council to reach decisions fully aware of the facts.

Thirdly, the current situation in Gaza dramatically illustrates the importance of the issue we are discussing today. The main victims of the Israeli-Palestinian conflict are civilians. Switzerland is deeply shocked by the high number of civilians who have been killed or wounded, in particular the high number of children. This situation underlines how important it is that the law not go unheeded and that it be truly implemented. It also reminds us that the protection of civilians cannot be ensured by purely humanitarian means but that political negotiations are the only path to achieving lasting solutions.

Switzerland therefore reiterates its call for the immediate cessation of hostilities, the protection of the humanitarian space and the strict respect for international law by all parties to the conflict. This includes in particular the obligation to respect the principles of distinction, proportionality and the taking of precautions. Switzerland also wishes to recall that all the parties to the conflict are under the obligation to protect medical personnel, hospitals and other health facilities.

We welcome the call made by the Security Council in its resolution 1860 (2009) for an immediate ceasefire and for the unimpeded provision and distribution of humanitarian assistance throughout Gaza. This call must be respected immediately by all parties to the conflict. However, we are disappointed that the resolution makes no mention of the importance of respect for international humanitarian law. It is to be deeply regretted that this body of law and therefore its references to the Geneva Conventions have become the object of political negotiation and discretion. It is by insisting on the strict application of international humanitarian law in situations of armed conflict that the Council will be able to better protect civilians — a fact that the Council itself underlined in its presidential statement of 27 May 2008 (S/PRST/2008/18).

Furthermore, last week Switzerland called for an impartial inquiry into the allegations of violations of international law committed during these hostilities, including the attacks on two schools run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East. In this context, it is essential that light be shed on all allegations of violations committed by all parties.

Although our attention is currently turned towards the situation in Gaza, we should nevertheless

not forget the other extremely worrying situations concerning the protection of civilians. We are thinking in particular of the Democratic Republic of the Congo, including in terms of children in situations of armed conflict. We are also thinking of the situation of internally displaced persons in Sri Lanka. We also remain extremely concerned by the situation in Darfur, where humanitarian access remains a problem.

Finally, we are well aware that the often complex realities of crisis situations demand considerable training, clarification of law when necessary, and the application of law in order to respond to realities on the ground. In this regard, following a meeting of experts held in July 2008, Switzerland is considering drafting a practical guide for humanitarian actors which would make explicit and clarify the relevant legal framework. The Council could give political support to this kind of expert work in implementing the recommendations of the aide-memoire.

The President (*spoke in French*): I now give the floor to the representative of Qatar.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): The State of Qatar attaches great importance to the protection of civilians in armed conflict. I therefore thank you, Mr. President, for giving me the opportunity to participate in this important debate today. I would also like to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his important briefing.

The Security Council has clear responsibilities in the area of protecting civilians in armed conflict, including situations of foreign occupation, which are governed by the rules of international law. International humanitarian law, and international human rights law in particular, prohibit killing civilians and exposing them to harm. They also prohibit reprisals against civilians and civilian targets, including health and educational institutions, and the deliberate destruction of homes. These laws confirm that the wilful commission of such prohibited acts constitutes a war crime.

Despite the principles and provisions that represent legal safeguards for the protection of civilians in armed conflict, such conflicts are still claiming the lives of innocent civilians, whose fundamental rights and freedoms are being violated. The problem, therefore, lies in the non-implementation of international legal instruments and in the use of double standards in addressing various situations in which the international community has failed to enforce international laws and resolutions and to hold the perpetrators accountable before such laws. This in turn emboldens the perpetrators and gives them carte blanche to commit such acts.

Conversely, when the international community has been determined to enforce the laws necessary for the protection of civilians in times of armed conflict and to achieve that through existing mechanisms, it has succeeded on many occasions in fighting impunity, ensuring the protection of civilians and strengthening their human rights.

Today, the war on the Gaza Strip enters its nineteenth day. Palestinian civilians in Gaza are subject on a daily basis to relentless military attacks by Israel, the occupying Power. Such attacks do not discriminate between women, children, the elderly or people with disabilities.

In a speech delivered on 4 January 2009, His Highness Sheikh Hamad bin Khalifa Al-Thani, the Emir of the State of Qatar, called on the international community to undertake efforts for the protection and relief of Palestinians in the Gaza Strip. His Highness highlighted that the Israeli war machine targets everybody and does not discriminate among its victims. He also said that a war waged with such force against civilian targets cannot but constitute a war crime, as it clearly violates international humanitarian law and international human rights laws, including the Geneva Conventions, and in particular the Fourth Geneva Convention, which includes provisions on the protection of civilians under foreign occupation. The number of Palestinian civilian killed in Gaza Strip has almost reached 1,000. What are we going to do about it?

United Nations reports, including reports by the Office for the Coordination of Humanitarian Affairs and UNICEF, highlight the dire situation in which Palestinian children and their families are still living. Entire families have been killed and buried alive under the rubble of their homes. Those who have managed to survive suffer psychological trauma that will haunt them for the rest of their lives. Others have suffered serious injuries and have become mentally and physically disabled.

The Palestinian civilian population in the Gaza Strip is subjected to a campaign of collective punishment, as stated by Mr. Richard Falk, the Special

Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. The infrastructure in Gaza, including hospitals and schools, is also under constant attack. The continuous targeting of such institutions leaves no safe areas for the civilian Palestinian population to shelter.

This situation prompted Her Highness Sheikha Mozah Bint Nasser Al-Missned, Consort of His Highness the Emir of Qatar, in her capacity as UNESCO Special Envoy for Basic and Higher Education, to address a letter to the Secretary-General on 5 January, calling upon the Security Council and the international community to ensure the necessary protection for educational institutions in Gaza with a view to providing a safe haven for the children of Gaza and their families, allowing access to humanitarian assistance and basic materials and evacuating the sick and the wounded.

The world has witnessed how Israel targeted the Al-Fakhura School run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East. The school provided protection for the children of Gaza and their families, who took refuge in the premises, believing they were in a safe haven. Forty-five people were killed and another 130 were wounded.

We reiterate our call on the Security Council to shoulder its responsibilities, meet its obligations to protect civilians in armed conflict and ensure respect for the instruments of international law and Security Council resolutions, which provide the legal basis for the protection of civilians in armed conflict, including in situations of foreign occupation. The rule of law constitutes a fundamental issue in armed conflict. It is therefore imperative for us to realize that respect for international law constitutes the true basis for a world free of armed conflict.

The Security Council today, faced with the indiscriminate aggression against the Gaza Strip, must shoulder its responsibilities towards the Palestinian civilian victims, especially the Palestinian women and children who have been maimed, burned and buried under the rubble by the Israeli war machine, which has spared no one. We would like to remind the Security Council that it is fully responsible for its failure to enforce its most recent resolution, among several others that provide for the protection to which the afflicted Palestinian people are entitled, and to stop the massacre being committed against them.

The President (*spoke in French*): I now give the floor to the representative of Uruguay.

Mr. Cancela (Uruguay) (*spoke in Spanish*): Allow me to begin by expressing my thanks to the delegation of France for convening this debate under its presidency. Allow me also to reiterate the importance of such meetings, which facilitate interaction between the Security Council and non-member States. I would also like to welcome the valuable briefing given this morning by the Under-Secretary-General for Humanitarian Affairs.

Ten years ago, this Council held its first open debate on the protection of civilians in armed conflict. At the time, it was hailed as a milestone in the Council's work. Since then, the work of both the Security Council and the United Nations as a whole has witnessed some advances and various difficulties in implementing policies intended to ensure the protection of civilian populations in armed conflicts.

As noted by the Secretary-General in his most recent report on this subject, within the Council the normative framework for the protection of civilian populations in armed conflict has been fine-tuned, beginning with resolutions 1265 (1999) and 1296 (2000). This has been reflected in the adoption of a number of resolutions that emphasize the protection of women and children in armed conflict and has been bolstered by the adoption of resolutions 1674 (2006) and 1738 (2006). That normative progress has been complemented by the inclusion of activities pertaining to the protection of civilians in the mandates of existing peacekeeping operations. That illustrates how the Council has gradually modified its focus on the protection of civilians in armed conflict.

Notwithstanding the progress made, Uruguay notes with particular concern that, despite the reduction in the number of conflicts throughout the world, as pointed out in the latest report of the Stockholm International Peace Research Institute, civilian populations continue to experience acts of brutality and degradation as a result of being in the wrong place at the wrong time or being deliberately selected as victims of atrocities in an environment of almost complete impunity. Unfortunately, in recent days we have witnessed the unfolding of actions whose result has been aggression against civilian populations and the obstruction of crucial humanitarian assistance to the victims of those actions.

Uruguay has demonstrated its unwavering commitment to international humanitarian law, as illustrated by our adherence to and implementation of all the Geneva Conventions of 1949 and their Additional Protocols; the Rome Statute, which established the International Criminal Court; The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols' and the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. All those instruments constitute the essence of international humanitarian law.

On the ground, Uruguay, one of the largest troop contributors to United Nations peacekeeping operations, has demonstrated its unequivocal commitment to the protection of civilians. In the various peacekeeping operations to which Uruguay has contributed, including those in which my country is currently participating, Uruguayan contingents have escorted and protected United Nations agencies, the International Committee of the Red Cross and non-governmental organizations providing humanitarian assistance. They have helped refugees and internally displaced persons return to their homes. They have neutralized the harmful potential to civilians of anti-personnel mines. Uruguayan military and civilian personnel have also initiated reconstruction efforts in countries devastated by conflict, including in the Democratic Republic of the Congo and Haiti. Uruguayan personnel deployed in the field have also carried out humanitarian campaigns to mitigate the harm suffered by civilians in countries afflicted by natural disasters.

Uruguay's experience on the ground has also led us to voice a crucial concern. On numerous occasions, Uruguayan contingents have warned of the impossibility of carrying out expanded humanitarian assistance and civilian protection efforts due to the fact that destabilizing forces in a given region were several times greater in number than the personnel of peacekeeping operations. We believe that such situations give rise to the need, at the time that a peacekeeping mission is established or renewed, for Security Council mandates to envisage the necessary strategic and logistical provisions to address the implementation of those tasks as best as possible. As pointed out earlier, in addition to clear and specific mandates, it is essential that United Nations forces have at their disposal the essential means and capabilities to effectively protect civilians. That imperative need is both a great challenge and a responsibility for the Organization and all its Member States.

Uruguay shares the Secretary-General's view with regard to the four challenges that the international community must address with regard to the protection of civilians, namely, the need to ensure access to civilians so that they can be provided the assistance they need to survive; combating and eradicating the heinous practice of sexual violence in armed conflict; the need to more systematically address the effects of conflict on homes, land and property; and the importance of putting an end to the unacceptable humanitarian consequences of cluster munitions. In connection with those challenges, Uruguay would like to reiterate its position, which we have previously stated in other forums, that the activities of the United Nations in providing humanitarian assistance must be carried out in accordance with the principles of humanity, neutrality, impartiality, independence, respect for international humanitarian law and security for personnel on the ground — all the while bearing in mind that the primary responsibility for the protection of civilians lies with States.

The twentieth century witnessed atrocities and abhorrent acts of aggression against innocent civilians that had an impact on entire peoples. Sadly, the final years of that century and the early years of the twenty-first century have also produced events that have shaken and disturbed the conscience of the international community. Fortunately, the development of the international community has provided us with an excellent concept by which to make the world a more humane place. In accordance with the provisions of international humanitarian law, the protection of civilians is a legal imperative. However, it is also an ethical imperative that reflects the long evolution of humankind towards civilizing norms that place respect for life and human integrity and dignity at the core of its values.

Lastly, I would like to highlight that, on 27 January, the delegations of Uruguay and Australia will organize an open workshop to address the issue of implementing the protection of civilians in the mandates of peacekeeping operations. It will be an opportune moment to better define the concept of the protection of civilians as it contrasts with the concept

of the responsibility to protect. It will also be an opportunity to analyze the challenges that must be kept in mind from a practical point of view in implementing the mandates of peacekeeping operations that include protection of civilian components, as well as to become aware of the experiences of the main troop contributors and of the Secretariat.

The President (*spoke in French*): I now give the floor to the Permanent Representative of Belgium.

Mr. Grauls (Belgium) (*spoke in French*): My delegation fully associates itself with the statement delivered by the representative of the Czech Republic on behalf of the European Union (EU). We would like to make a few observations based on our two years of experience on the Security Council.

We listened with great interest to the statement made by Mr. Holmes. He gave us a briefing that very clearly illustrates that there is still much progress to be made in the area of the protection of civilians.

International humanitarian law is not observed in the course of hostilities in numerous conflicts. The current situation in Gaza is a strikingly tragic illustration of that. Civilians are forgotten when Hamas utilizes residential buildings, schools and hospitals to fire from and uses the civilians around them as human shields. Civilians are equally forgotten, however, when the Israeli army places its military goals above strict adherence to international humanitarian law. The civilian population is thereby twice victimized. In that regard, we call for the immediate implementation of resolution 1860 (2008).

The horrors of numerous wars prompted the international community to develop humanitarian law as we know it today, including with regard to the protection of civilians in conflict situations. Likewise, the mass atrocities committed against civilian populations, even in non-conflict situations, have led to the emergence of the idea of the responsibility to protect. Belgium cherishes that concept, which was adopted by the General Assembly in 2005, for it emphasizes the duty of each State to protect its population against the clearly identified ultimate crimes of genocide, war crimes, ethnic cleansing and crimes against humanity.

As the body responsible for maintaining international peace and security, the Security Council has adopted civilian protection as an objective, as established by humanitarian law. The Council must also now integrate fully the notion of the responsibility to protect into its work. It already does so in a number of ways: by instituting good offices missions, fighting impunity, combating the use of child soldiers and through the Peacebuilding Commission. The Council did so recently on 22 December in resolution 1857 (2008), which revised the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo. The Council could have done so even more resolutely and with greater conviction, given the extreme gravity of the crimes it seeks to prevent and that such crimes are firmly identified in international penal law. My country will continue to advocate to that end and to encourage our Organization to establish the early warning instruments and rapid response mechanisms vital to avoiding more mass atrocities.

Belgium welcomes today's scheduled adoption of a presidential statement complemented by an update of the aide-memoire on the protection of civilians. This document remains a significant reference point for the Council's daily work. In this context, we also wish to welcome the eminent establishment of a group of experts which, on a relatively informal basis, will discuss aspects related to protection of civilians in each mandate up for renewal by the Council. This will contribute to creating a more systematic approach to the aspects related to the protection of civilians.

Finally, we believe that combating impunity is a vital factor of the protection of civilians. The Council must also make a contribution thereto through its different instruments, such as its sanctions committees. The Security Council and its sanctions regimes must do a better job of shouldering their responsibilities by punishing such phenomena as sexual violence or the recruitment of and serious violence done to children.

The President (*spoke in French*): I now give the floor to the Permanent Representative of the United Arab Emirates.

Mr. Al-Jarman (United Arab Emirates) (*spoke in Arabic*): At the outset, I would like to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for this month.

Today, we meet once again to consider the subject of the protection of civilians in armed conflict. It is a matter of great concern, that in spite of the important progress achieved by the international community

since the middle of the last century in developing international law mechanisms to promote the principle of the protection of civilians and to determine criminal responsibility for massacres committed against thousands of civilians in armed conflicts, we continue to witness new and tragic forms of genocide, war crimes and crimes against humanity. Such forms include wilful killing, rape, the confiscation and destruction of properties, forcible displacement and other acts of intimidation, which constitute flagrant violations of international law and international humanitarian law. These acts, which include attacks on humanitarian and media personnel with complete impunity, are committed and used by warring parties as a tool for exerting maximum political pressure to achieve their goals in areas of conflict at the expense of the security and safety of innocent civilians.

We believe that the reason such violations persist is due not to the incapacity of the almost fully integrated legal and humanitarian framework established by the United Nations and represented in international legal instruments on this issue — including the Fourth Geneva Convention of 1949 and its two Additional Protocols of 1977 and the resolutions and presidential statements issued by the Security Council on the protection of civilians — but lies rather in the non-compliance of some states parties with their respective obligations under these instruments and the selective approach in their implementation in some areas of conflict.

It is deeply regrettable that we for 19 days have witnessed a vivid example of the contempt of some States for the resolutions of this Council and the exercise of double standards and selectivity in their implementation. Israel is pursuing its barbaric military assaults against the population of Gaza for the sixth day after the Security Council adopted resolution 1860 (2009), which calls for an immediate and permanent ceasefire and a full withdrawal of Israeli forces from Gaza. In its paragraph 5, it also condemns in plain language all violence and hostilities directed against civilians.

Despite the adoption of this resolution, Israel has continued to commit war crimes against the Palestinian people in Gaza by bombarding civilian areas with internationally banned weapons, using excessive force and imposing severe collective punishments against unarmed civilians, including through siege, the closure of crossing points and the obstruction of humanitarian assistance, in flagrant violation of the principles of human rights and relevant international resolutions and laws.

What is happening in Gaza Strip is testimony to the serious impact of the international community's failure to implement the resolutions of international legitimacy and the selectivity of their implementation, and to its inability to shoulder its responsibilities and legal commitments in the protection of innocent civilians during conflicts. The death toll among the Palestinian people has so far surpassed 1,000 people, 40 per cent of whom are women and children, and does not account for the missing persons and those suffering from serious injuries and physical and mental disabilities, whose numbers have exceeded 4,000, half of whom are children and women. Their numbers are increasing daily.

The United Arab Emirates supports international efforts to find a solution to the Palestinian question through peaceful means, including the Arab Peace Initiative and the Annapolis Understanding, and urges the international community, and the Security Council in particular, to revisit the implementation standards relating to the protection of civilians when it considers the situation in existing armed conflicts, in accordance with its resolution 1674 (2006), which recognizes the primary responsibility of conflicting parties for protecting civilians in armed conflicts, as well as the shared responsibility of the international community as a whole to assist States to shoulder their responsibility in this regard.

In this context, we affirm the importance of the following.

First, pressure must be exerted on Israel to comply with the provisions of resolution 1860 (2009). It must immediately cease its aggression against the Palestinian civilian population, fully withdraw from Gaza and open all crossing points in order to allow for the delivery of humanitarian aid and to alleviate the dire humanitarian crisis being faced by Palestinian people.

Secondly, the international community must exert pressure on Israel to resume peace negotiations, given that the present crisis has shown the need to expedite a serious and peaceful negotiating process. It must also require Israel, the occupying Power, to shoulder its responsibility and honour its previous agreements and commitments, which would contribute to establishing an independent Palestinian State as soon as possible.

Thirdly, an international commission of inquiry must be established to investigate the war crimes committed by Israel against civilians in Gaza and to prosecute those responsible in accordance with the resolutions of international legitimacy, the latest of which is the resolution adopted by the Human Rights Council.

Here, we would like to reaffirm the importance of strengthening the international role that the Security Council must play in collaboration with specialized departments and committees established by the Secretariat, the General Assembly, the Economic and Social Council and the Human Rights Council, particularly in taking effective, swift and decisive action to prevent the suffering of civilians in conflict areas. That includes providing a safe and secure environment for civilians in armed conflicts, which, under the Charter of the United Nations, is one of the Security Council's priority tasks in maintaining international peace and security and in building peace.

In that connection, we emphasize the need to develop methods for monitoring acts committed against civilians during armed conflicts and the need for measures to be taken to persuade all countries and parties to conflicts throughout the world to fulfil their commitment not to target civilians and to protect their lives, property and legitimate interests without applying double standards, bearing in mind the need to fully respect the sovereignty of States and the principle of non-interference in their internal affairs.

The President (*spoke in French*): I now call on the Permanent Observer of Palestine.

Mr. Mansour (Palestine): Palestine welcomes this open Security Council debate on the protection of civilians in armed conflict. We firmly share the belief that the protection of civilians in armed conflict is a matter of immense importance and that the Council's attention to that issue is both appropriate and necessary. We hope that the Council will continue to address the issue in an effective manner until the serious protection of civilians in armed conflict is ensured in all cases, without selectivity or inaction based on political considerations.

For Palestine, today's debate is especially timely. For the nineteenth day now, Israel, the occupying Power, has continued with impunity to unleash its military wrath on the defenceless population of the Gaza Strip, killing nearly 1,000 Palestinians, including more than 400 children and women, and injuring nearly 5,000. Those who were killed not only were trapped, traumatized and terrorized along with the 1.5 million other inhabitants there, but also were denied the protection accorded to civilian persons under international law. In the light of that, the Palestinian people and their leadership — especially our people in Gaza — continue to call upon the international community to provide much-needed and long overdue protection for the civilian population and for measures to be swiftly taken in that regard to prevent the loss of more innocent lives.

As the Palestinian civilian population continues to be subjected to Israel's indiscriminate, excessive and disproportionate use of force by means of tanks, F-16s, helicopters and other heavy weapons, including white phosphorous shells and dense inert metal explosive bombs, the profound human suffering continues to mount, as the people of Gaza have nowhere to run and nowhere to seek refuge. Moreover, among countless other violations, the occupying Power has attacked medical workers and clearly marked ambulances, wantonly destroyed public and civilian infrastructure and institutions, targeted United Nations schools and buildings, denied access to medical treatment for the sick or wounded, and used Palestinian civilians as human shields, all the while continuously denying an entire population their most basic rights, including the right to food and water.

Clearly, international law forbids such brutality. Humanitarian and human rights law prohibits, inter alia, the killing and bodily injury of civilians, reprisals against civilians and civilian objects, the wanton destruction of homes and other civilian property, and the collective punishment of civilians. Such actions, wilfully perpetrated, constitute war crimes.

The belief that the occupying Power has in fact committed war crimes is also being reported by several human rights organizations now working on the ground in Gaza. In that regard, the appeal by the United Nations High Commissioner for Human Rights and by the Human Rights Council, in its resolution dated 12 January 2009, for an independent investigation of crimes committed by Israel, the occupying Power, in Gaza is important and should be acted upon. We would also like to recall the suggestion made by Secretary-General in his latest report on civilians in armed conflict (S/2007/643), in which he stated that, in situations where parties to a conflict commit systematic

and widespread breaches of international humanitarian and human rights law and thereby create the threat of genocide, crimes against humanity and war crimes, the Council should be willing to intervene under Chapter VII of the Charter.

Here, we would like to recall resolution 1860 (2009), adopted less than a week ago, which, among many other important provisions, calls urgently for an immediate, durable and fully respected ceasefire and for the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including food, fuel and medical treatment. Of course, the ceasefire that the Security Council called for was intended to lead to a total withdrawal of Israeli forces from Gaza.

Unfortunately, Israel continues to ignore the resolution adopted by the Council, pressing on with its military aggression against the Gaza Strip and even intensifying it over the past couple of days. We call on the Council to compel Israel to heed the calls of the Council, in accordance with its obligations as an occupying Power under the Fourth Geneva Convention and its obligations under the United Nations Charter as a State Member of the United Nations.

Moreover, we call on the Security Council and all concerned parties to make the necessary efforts and work to ensure the effective implementation of the resolution in order to bring an end to all military activities and violence; to address the serious humanitarian and economic needs of the Palestinian civilian population in the Gaza Strip, who for too long have been under Israel's inhumane siege; and to help the parties return from the precipice to which this crisis has brought us and back to the path of peace.

In addition to the massive carnage against the Palestinian people in Gaza, the civilian population there continues to suffer from unlawful measures of collective punishment being imposed on them by the occupying Power. The situation before the Israeli assault in Gaza was already dire owing to Israel's inhumane 19-month siege, by which it deliberately obstructed humanitarian access and the movement of persons — including sick persons needing treatment unavailable in Gaza — and of all goods, including the most essential, such as food and medical and fuel supplies. All aspects of life were severely impacted, with poverty, hunger, disease and instability rising to alarming levels, particularly among the refugee population and children — who constitute nearly 56 per cent of the population — exacerbating the humanitarian crisis to catastrophic proportions.

Protecting civilians in situations of foreign occupation must be a priority mission of the United Nations, and the Security Council has clear responsibilities in that regard. Regrettably, the international community's failure to hold Israel accountable for its violations and crimes over the past four decades has reinforced Israel's lawlessness, permitting it to continue using military force and collective punishment against the defenceless Palestinian people under its occupation and, in essence, absolving it of its legal obligations as an occupying Power.

As Israel continues to breach its legal obligations towards the Palestinian civilian population, the Security Council, if it cannot compel Israel to abide by the law, has a duty to determine and undertake appropriate measures to protect the civilian population. Respect must be demanded for the instruments of international law that are supposed to provide the Palestinian civilian population with protection from human rights violations and crimes committed under occupation.

It should be recalled that the basis and guiding principles for the protection of civilians in armed conflict are embodied in the rules of international law, particularly humanitarian law and human rights law. The need to protect civilians, promote their welfare and safeguard their human dignity is at the core of the spirit and purpose of these laws. Protection provisions can be found in many instruments of law, including the Geneva Conventions — particularly the Fourth Geneva Convention, which comprises provisions explicitly aimed at ensuring the safety of civilians in armed conflict, including specific provisions for civilians under foreign occupation — the Additional Protocols, the Human Rights Covenants, the Rome Statute of the International Criminal Court and United Nations resolutions.

We have the legal instruments and tools that are required, and we know what actions need to be taken to ensure the protection of civilians in armed conflict. We are convinced that the international community has no choice but to make progress and create a different and safer situation than that faced today by civilians not only in Palestine but everywhere else affected by armed conflict.

Before closing, we would like to commend the work of many United Nations bodies, including the Office of the High Commissioner of Human Rights, the Human Rights Council, the High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs, the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), as well as the work of many international humanitarian organizations that have worked tirelessly to launch initiatives and programmes to ensure the protection of civilians in armed conflict. We continue to support and encourage their work in this field.

Mr. Sorcar (Bangladesh): I thank you, Mr. President, for convening this important meeting. My delegation commends the Under-Secretary-General, Mr. John Holmes, for his comprehensive briefing this morning.

Civilians continue to suffer the brunt of violence during armed conflicts. Civilians have become the primary target of attacks that are often motivated by ethnic or religious hatred, political confrontation or simply the ruthless desire of the perpetrators to attack a member of an opposing group. These civilians are displaced from their homes and are often denied access to life-saving food, medicine and shelter. It is against this backdrop that the States Members of the Organization pledged in the Millennium Declaration "to expand and strengthen the protection of civilians in complex emergencies".

The Council has been discussing this important issue for nearly a decade and has adopted many resolutions and heard strong and relevant statements by delegates. However, ironically, a large number of civilians continue to be exposed to the atrocities of conflict. My delegation urges all parties to conflicts to ensure protection of the lives and property of civilians. The Council should also strengthen its efforts to prevent, resolve and reduce armed conflicts, pursuant to its primary responsibility to maintain international peace and security.

My delegation condemns all violations of international humanitarian and human rights law and stresses the need to combat impunity, safeguard access for humanitarian assistance and protect the safety of humanitarian aid workers.

We are appalled by the scale and intensity of the devastation and the deaths of innocent Palestinians, including women and children, caused by the indiscriminate and excessive use of force in the Israeli military operations in the Gaza Strip. It is disconcerting to see that even humanitarian workers are being killed by the Israeli attackers. The ongoing attacks, in continued defiance of the Council's call for a complete ceasefire, are contributing to continued civilian casualties.

My delegation wishes to draw the international community's attention to the fact that Israel, as a signatory to the relevant provisions of the Fourth Geneva Convention, which stipulates the responsibilities of an occupying Power, cannot legally or morally absolve itself of its responsibilities for guaranteeing the basic human rights of the people under its occupation. In this regard, my delegation would like to re-emphasize the importance of the principle of the responsibility to protect, as endorsed in the 2005 World Summit Outcome, in preventing harm to civilians in armed conflict.

The vulnerable situation of civilians in post-conflict societies needs special attention. Long after guns have fallen silent, such people remain traumatized and permanently scarred by the brutalities of war. For peace to be sustained, they must be rehabilitated and reintegrated into their communities more effectively, and the perpetrators must bear the resultant cost. The Peacebuilding Commission should also include this issue in its agenda whenever it takes up a country-specific configuration.

Finally, we would like to mention what my delegation considers two overarching themes for the protection of civilians in armed conflict. The first relates to prevention and the building of a culture of peace. Prevention is at the heart of protection. The preventive capacity of the Organization must be enhanced. At the same time, Member States need to take steps to inculcate the values of peace, tolerance and harmony that contribute to long-term prevention.

The second theme is that of coordination among all stakeholders. We believe that the protection of civilians Is the primary justification for a United Nations presence in the field. However, various political, humanitarian, military and development components of United Nations missions in the field lack an integrated focus on the protection of civilians.

Indeed, protection should be one of the main mandates of any United Nations mission in the field, whether it be a peacekeeping, political or peacebuilding mission. Work should begin on crafting clear guidelines for effective coordination, particularly among the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the Department of Peacekeeping Operations (DPKO), and the Department of Political Affairs (DPA).

In conclusion, my delegation once again expresses its grave concern over the deteriorating humanitarian situation caused by the ongoing Israeli attacks in and around the Gaza Strip. Israel must comply with resolution 1860 (2009). My delegation strongly urges the international community, particularly the Council, to take effective steps to ensure implementation of that resolution and thereby bring about a complete ceasefire in the Gaza Strip forthwith.

Mr. Tanin (Afghanistan): Mr. President, allow me to congratulate you on your assumption of the presidency of the Security Council for this first month of the new year. In addition, Sir, I thank you for convening this debate on the protection of civilians in armed conflict, an issue which should never be far from our attention. Here, at the beginning of a new year, let us renew our conviction that no civilian anywhere should bear the costs of war.

As we speak, our thoughts are with the thousands of men, women and children who have been killed and who have suffered in Gaza in the last 19 days. Civilians have been largely affected by this conflict, and the brutality continues. We call for an immediate ceasefire, as requested in resolution 1860 (2009). This conflict must end now.

In Afghanistan as well, a new wave of violence is destroying the lives of innocent civilians. More than 2,100 civilians died in 2008 alone. Women, men, students, teachers, aid workers, farmers, tribal leaders and clergy are all victims. The issue of civilian casualties strikes at the heart of Afghanistan.

In the past few years, the Taliban, Al-Qaida and other terrorist elements have embraced tactics that target civilians with increasing deadliness. In 2008, terrorists accounted for the majority of civilian casualties. The numbers of victims of the terrorists are sobering. In 2008 alone, at least 250 civilians were executed, and an additional 725, or more, were killed by suicide attacks or by improvised explosive devices (IEDs). This targeting of civilians by the Taliban has accomplished several terrible objectives.

First, the terrorists have demonstrated their complete disregard for the sanctity of human life. Suicide bombs kill more civilians than military personnel. The Taliban regularly abduct, torture and execute civilians, particularly targeting Afghans and foreigners who are perceived to be cooperating with, or receiving services from, the Government or the international community. They behead doctors, teachers, clergy and tribal leaders, recruit children as suicide bombers and spray acid in the face of schoolgirls. Taliban harm to civilians and the creation of an environment of distrust and fear impede the ability of the Afghan Government and the international community to deliver services to the people who need them most.

Secondly, the Taliban are using civilians as human shields, hiding in towns and villages and using men, women and children as cover for attacks on Government and international forces. As a result, over 60 per cent of civilian casualties have occurred in the south and east of the country, where the Taliban and Al-Qaida are most active.

Unfortunately, many civilians have also suffered and lost their lives during counter-terrorist operations. This is a matter of grave concern for the Government of Afghanistan. His Excellency President Karzai has recently and repeatedly raised concerns and has asked the international forces to find ways to prevent civilian deaths. Our Government believes that we need to work together with the international community in a spirit of open dialogue and cooperation to find a workable framework in which to address this problem, and we are discussing the issue with our partners. NATO and American-led forces have already introduced new strategies aimed at minimizing civilian casualties, and we have seen some positive results. However, any life is precious, and as a Government we have a particular responsibility to safeguard the lives of our citizens and not rest until every Afghan is safe.

To decrease the harm to the Afghan people, there are three measures for us to consider. The first is to avoid tactics that cause significant unintentional civilian deaths. Air strikes in particular result in enormous casualties among innocent people. We must minimize reliance on those methods of warfare. The

second measure is to work more in cooperation with the Government of Afghanistan and with law enforcement on the ground. Home searches and detention practices should operate within the guidelines set out in the Afghan Constitution. The Afghan national army and police should assume responsibility for home searches. Thirdly, we encourage the international forces to operate with greater cultural sensitivity. In conducting searches and arrests, they should avoid heavy-handed tactics and operate with respect and minimal force. And where civilian casualties do occur, there should be apologies and accountability.

With the increasing violence of the Taliban, it has become even more imperative that the Afghan Government and the international community work together to effectively eliminate terrorism. The terrorists are responsible for the large majority of civilian casualties, but the Government of Afghanistan and the international forces bear a heavier burden: we must provide security and protection to the people who need it. Our energies must be channelled collectively to prove to the Afghan people that we consider their welfare to be central to the endeavour for peace and stability in the country.

The President (*spoke in French*): I now give the floor to the representative of Kuwait.

Mr. Bu Dhhair (Kuwait) (*spoke in Arabic*): I would like to begin by expressing our gratitude and appreciation to the presidency for convening this important meeting to discuss the protection of civilians in armed conflicts. This is taking place while many civilians are continuing to suffer in several armed areas and conflicts.

Our world today endeavours to establish the values and principles of human rights. Any violations of those rights, regardless of the colour, race, religion or political affiliation of those who commit them, have become absolutely unacceptable, particular during armed conflict. The United Nations Charter, global humanitarian laws and human rights laws, as well as divine law, hold all Member States — particular States members of the Security Council — responsible and accountable to seek all possible means, and to seek them in a permanent way, to grant the United Nations a vital, important and tangible role on the ground in protecting human beings, especially civilians.

The tragic circumstances faced by the unarmed population of the occupied Gaza Strip, due to the savage onslaught in which civilians are subjected to all kinds of killings, horrors and expulsions, call for urgent action and a firm stand to stop the aggression immediately, with no delay, to protect the lives of civilians. One and a half million people live in the Gaza Strip, the majority of them civilians. A helpless minority militia faces a professional military institution that is using bombs that sow fear in the hearts of children and kill them indiscriminately. That can only lead to the creation of a generation that is more violent, more extreme, and will engender more hatred and resentment as the days go by. The same applies to those who live under siege, who are denied food and medicine, as we hear from the testimony of international organizations working on the ground in Gaza. It is as if the Israelis had not learned any lessons from history.

The practice of the Israeli occupation army is a clear violation of international laws and conventions, and that must oblige us to take a very clear stand vis-à-vis such inhumane practices and practices that do not guarantee the safety of civilians. We must take a stand against such practices. When arrogant countries allow the voices of arms and bombs to prevail and think that by killing, terrorizing and starving innocent civilians they achieve their political goals or that that will bring them peace, they are totally mistaken. That is a dead-end road and will only bring more instability and counter-violence, more pain and suffering, and will transform those who are defenceless — civilians who are seeking a better life for themselves — into extremists who know only the language of violence, blood-letting and extremism in all its forms.

Any life lost means that we have lost a human being who could have made a positive contribution to a better society. That is why we call on the Council to take into consideration the Secretary-General's proposal of 27 November 2007. His vision, which we share, is a practical solution to ensure the commitment of the Security Council to the protection of civilians in armed conflict. The Security Council has established a working group on the protection of civilians that will assist it in moving effectively towards providing genuine and appropriate protection for unarmed civilians in armed conflict similar to the working group established pursuant to resolution 1612 (2005) on children and armed conflict.

The armed conflicts currently raging and their psychological and physical harm to civilians in various corners of the world — including Afghanistan, the Democratic Republic of the Congo, Iraq, Somalia, Chad, the Philippines, Nepal and elsewhere — should compel Member States to draw on all proposals on the protection of civilians in armed conflict made by the United Nations, and the Secretary-General and his representatives in particular, in order to draft effective resolutions establishing investigative committees or similar entities to protect civilians in a practical and concrete manner.

My delegation invites all peace-loving Member States to create a new and effective system or methodology for taking serious action against any country that undertakes the kind of military aggression that Israel has unleashed on the Palestinians, threatening the lives of civilians. No human logic or conscience can accept a country that preaches democracy, respect for human rights, especially those of women and children, and love of peace using tanks and bombs to kill, maim and terrorize civilians.

If the proposals presented by the United Nations through its Secretary-General and his representatives are not given due consideration, the Organization and its main bodies, the Security Council in particular, will lose all credibility in the eyes of unarmed civilians, who call on us to assume our responsibility for protecting them in armed conflict.

The President (*spoke in French*): I call on the representative of Finland.

Ms. Lintonen (Finland): I have the honour to deliver the following statement on behalf of all five Nordic countries: Denmark, Iceland, Norway, Sweden and Finland.

The Nordic countries welcome this six-monthly open debate and wish to thank the presidency of the Security Council and the Secretary-General for organizing it, as well as Under-Secretary-General John Holmes for his topical briefing. Timely briefings to the Security Council by the High Commissioner for Human Rights, the Emergency Relief Coordinator, the Special Adviser on the Prevention of Genocide and other relevant actors will help the Council to act sufficiently early on in conflict situations to effectively protect civilians at risk.

The protection of civilians in armed conflicts is a cornerstone of international humanitarian law. Regrettably, and in spite of the established status of the fundamental rule of distinction — identified by the International Court of Justice as an intransgressible principle of international customary law — civilians often fall victim to the disregard of States and armed groups of their obligations. Even State signatories to the relevant instruments fail to abide by the relevant provisions. The Nordic countries wish to emphasize that unarmed men, women and children must not be targeted. All necessary measures must be taken by parties to a conflict to avoid civilian casualties.

The Nordic countries are deeply concerned by the escalation of violence in Gaza and the killing and injuries inflicted upon large numbers of non-combatants. The ceasefire called for by the Security Council must be given effect. Life-saving ambulances must be given unrestricted access to the wounded; medical personnel, hospitals and other medical units must be respected and protected. It is also worth recalling that disrespect of the rules by one party to a conflict can never serve as a justification for the deliberate targeting of civilians or civilian objects.

It is essential to strengthen local capacities to protect civilians at risk of grave human rights violations. Through the Nordic Coordinated Arrangement for Military Peace Support, the Nordic countries have offered training support for peace support operations to partners, inter alia, in the western Balkans and Ukraine. Our additional focus is now on Africa, where we are examining potential Nordic projects to support the development of the African peace and security architecture.

In order to build sustainable peace and security, there is a need for increased attention to women's equal and active participation in conflict prevention, peace negotiations, reconstruction and political participation. As women and children are vulnerable in conflicts, their situation should be addressed accordingly. The comprehensive implementation of resolution 1325 (2000) is crucial. The Nordic countries are committed to doing their share in the implementation process. A concrete case in point is that all five Nordic countries have drawn up national action plans on the implementation of resolution 1325 (2000).

The scope and brutality of sexual violence against women in the eastern parts of the Democratic Republic

of Congo are particularly worrying. Hundreds of thousands of women in the region have been raped, and they continue to lack protection from further sexual violence, despite the efforts of humanitarian actors, the United Nations Organization Mission in the Democratic Republic of the Congo and others. Much more needs to be done in order to address these horrible crimes. In this context, it is crucial to implement resolution 1820 (2008) on sexual violence in armed conflict.

We recognize the need to enhance the complementarity and coordination of national policies and strategies related to security, development, human rights and humanitarian issues. International humanitarian law grants children special protection and sets a minimum age for participating in hostilities. The short-, medium- and long-term impacts of armed conflict on children, adolescents and young persons must be addressed in an effective, sustainable and comprehensive manner. The Convention on the Rights of the Child clearly states that children have the right to express their opinion in matters that affect them. We have to expand opportunities for children's voices to be heard and given due weight in peacebuilding and reconciliation efforts. More attention needs to be paid to this aspect of the implementation of resolution 1612 (2005) on children and armed conflict. The Nordic countries wish to emphasize the need to mainstream the rights of the child into all activities in conflict and post-conflict situations.

The engagement of the Security Council has greatly elevated the relevance of child protection concerns within its international peace and security agenda and has allowed for opportunities to improve efforts and actions for the protection of children. While there has been progress in some field, there is an urgent need to address all grave violations; in particular, sexual violence against children is a heinous consequence of war. We wish to join the call by the Special Representative of the Secretary-General for Children and Armed Conflict for strong action also to be taken against those who sexually violate children.

On a more positive note, the Nordic countries recall the establishment of the International Criminal Court as an achievement of historical significance. Now that the Statute is in force for 108 States and the system laid down for it is fully operational and functioning, there is much reason to be confident in the Court's future. The ideas of justice and accountability have been institutionally anchored at the international level and more broadly embraced than ever before. The first proceedings of the International Criminal Court highlight the duty to protect civilians in armed conflicts. The Nordic countries urge all States to ratify the Rome Statute and to fully implement its provisions in their national legislation.

We are also encouraged by the unequivocal statement issued at the 2005 World Summit on the responsibility to protect civilian populations from genocide, crimes against humanity, ethnic cleansing and war crimes. We look forward to the report of the Secretary-General on this notion and believe that it will provide a basis for further deepening the international consensus on the necessary steps to be taken by both States and international organizations to prevent humanitarian catastrophes.

Let me conclude by affirming that the Nordic countries will continue to be firmly committed with respect to this issue of great importance.

The President (*spoke in French*): I now give the floor to the representative of Israel.

Ms. Shalev (Israel): This month has proven to be a complicated one. Allow me to thank you, Mr. President, for convening this debate. I further wish to thank Under-Secretary-General John Holmes for his informative briefing and to thank him and his team for their important and ongoing humanitarian work, in particular in our region at the present difficult time.

This debate is, to be sure, considering a wide range of issues related to the protection of civilians in armed conflict. All of them are important. Yet there exists one major threat, one distinct danger to civilians, that the Security Council must not and cannot ignore: terrorism. Terrorism causes enormous harm to civilians in armed conflict. Terrorism turns civilians into targets, shields and weapons. "Acts, methods and practices of terrorism in all its forms and manifestations ... are activities aimed at the destruction of human rights" (*A/CONF.157/23, attachment, part I, para. 17*): so stated the United Nations in clear and unambiguous terms.

Nowhere is this more apparent than in Hamas's terrorist war against Israeli civilians and the Palestinian people.

It is on Israeli civilians that Hamas rockets rained down for eight long years. For more than one million

Israelis, daily life included rocket and mortar attacks against houses, schools, kindergartens, markets and all forms of civilian life.

These are not indiscriminate attacks as some like to classify them. Hamas's attacks are very discriminate: directed deliberately at civilians — men, women and children. These attacks kill and maim Israelis, creating a living nightmare, a nightmare that forced Israel to act in self-defence.

As Hamas launches those attacks, they cower behind Palestinian civilians, knowing full well the danger they invite. Civilian casualties in Gaza, as a result, are the heartbreaking consequence and sole responsibility of Hamas's terrorist actions. Hamas hides weapons and explosives in mosques and uses minarets to launch attacks. What kind of person, we must ask, uses a house of prayer as a weapons depot? The answer is Hamas terrorists.

Evidence against Hamas abounds. Hamas terrorists launched rockets from school yards and rigged Palestinian schools with explosives as booby traps. What kind of person, we must ask, uses schools — places where children gather — as a battlefield? The answer is Hamas terrorists.

Hamas commanders and leaders set up shop in the basement of Gaza's largest hospital, the Shifa hospital. Hamas fighters and members have entered hospitals and donned doctors' coats in an effort to blend into the civilians of Gaza. What kind of person, we must ask, uses hospitals to cower behind injured civilians? The answer is the same: Hamas terrorists.

As Israel has facilitated the movement of humanitarian aid into the Gaza Strip — more than 800 trucks totalling over 25,000 tons of aid — there are repeated and horrifying reports that Hamas terrorists have seized aid, distributing it to its own members and supporters and selling what is left to the impoverished civilians. What kind of person, we must ask, confiscates humanitarian supplies from civilians in a conflict zone? The answer is the same again: Hamas terrorists.

It is Hamas and terrorists like it that view civilians not as a population to be avoided in an armed conflict but as a population to be exploited in an armed conflict.

We must use today's debate to ensure that we denounce the harm that terrorism inflicts on civilians. In recent years, more civilians were killed, maimed and injured by terrorists than by legitimate armed forces. And we must act against terrorists and their inhumane methods. Failure to act simply because terrorists are using civilians as cover would broadcast an invitation to every terrorist group in the world to set up shop inside a hospital or a kindergarten.

Hamas's despicable and cynical use of targeting civilians is an appalling example of the toll that terrorism takes on all civilians. When civilized people look at children, they see the future. When terrorists look at children, they see targets and human shields. The Security Council must offer no refuge to those who drag civilians into armed conflicts.

The President (*spoke in French*): I now give the floor to the representative of Azerbaijan.

Mr. Musayev (Azerbaijan): At the outset, Mr. President, I would like to thank you for convening this meeting and to thank the Under-Secretary-General for Humanitarian Affairs for his briefing on this matter. As the most recent report of the Secretary-General on the protection of civilians in armed conflict stresses, "the protection of civilians is, and must remain, an absolute priority ... for the United Nations, for the Security Council and, above all, for the Members States, with which the primary responsibility for protecting civilians lies" (*S/2007/643, para. 3*). Civilians are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices and their manners and customs. They are to be humanely treated and protected at all times, especially against all acts of violence or threats of such acts.

Against this background, we are following with profound apprehension the escalation of violence in the Gaza Strip and express our deep concern over the loss of the lives of hundreds of innocent civilians. There must be an immediate ceasefire and an end to military hostilities to create the conditions necessary to normalize the situation. We advocate urgent active engagement of the international community, including through practical measures in the conflict zone, to prevent violence and other undesirable actions. Azerbaijan calls for immediate and unconditional implementation of Security Council resolution 1860 (2009) of 8 January. The protection of civilians, especially women and children, who are bearing the brunt of the deteriorating humanitarian crisis, should

be ensured. All measures must be taken to avoid civilian casualties and to help people in need.

The international community, acting chiefly through the United Nations, has proclaimed and set down in international instruments a compendium of fundamental values, such as peace and respect for human rights. The consensus on those values was reflected in the adoption in 1948 of the Universal Declaration of Human Rights, according to whose preamble "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".

Regrettably, even more than 60 years after the adoption of the Universal Declaration, the conspicuous silence in certain instances serves to accentuate a deficiency that is characteristic of the international community today: the gap between the theoretical values of law and harsh reality. This impedes the application in practice of the rich potential of the standards of international law.

The ongoing armed conflict in and around the Nagorny-Karabakh region of the Republic of Azerbaijan has resulted in the occupation of almost one fifth of the territory of Azerbaijan and made approximately one out of every eight people in the country a refugee or internally displaced person. Most serious international offences, such as war crimes, crimes against humanity and genocide, have been committed in the course of the conflict.

The Security Council, in its resolutions adopted in 1993 following the seizure by Armenia of the territories of Azerbaijan, condemned, inter alia, attacks on civilians and the bombardment of inhabited areas and expressed grave concern at the displacement of large numbers of civilians in my country.

Concern about the extent to which the rules of international humanitarian law were being observed in the occupied territories of Azerbaijan was heightened when the General Assembly, highly alarmed by the far-reaching implications of continuing illegal settlement practices in those territories accompanied by serious and systematic interference with property rights, as well as environmental and economic damage, decided to address the matter and adopted two resolutions at its sixtieth and sixty-second sessions.

As the Secretary-General made clear in his aforementioned report on the protection of civilians in armed conflict,

> "ensuring the right to return constitutes a categorical rejection of the gains of ethnic cleansing ... and offers some measure of justice to those displaced from their homes and land, thereby removing a source of possible future tension and conflict" (*S/2007/643, para. 55*).

It is important that the recognition of the right to return, along with increased attention to its practical implementation and concrete measures aimed at overcoming obstacles preventing the return, be applied by the Security Council, the General Assembly and other relevant United Nations bodies with more systematic regularity.

Particular consideration must be given to the implications for the protection of civilians in armed conflicts aggravated by population displacements, foreign military occupation, attempts to change the demographic balance in occupied territories and the illicit exploitation of natural resources therein. The impact of conflict on housing, land and property in such situations requires a more consistent approach in order to ensure the safe and dignified return of those forced to leave their homes.

It is clear that there can be no long-term and sustainable peace without justice. This requires consistent commitment by States to meeting their obligations to prosecute those responsible for breaches of international humanitarian law or international human rights law. In cases when such breaches constitute war crimes, crimes against humanity or even genocide, for which universal jurisdiction is provided with regard to alleged offenders, it is important that the pursuit of individuals be undertaken through the domestic legal system of involved or third-party States, while State responsibility be enforced through relevant inter-State mechanisms.

Ending impunity is essential not only for the purposes of determining individual criminal responsibility for serious crimes, but also in the interests of peace, truth, reconciliation and recognition of the rights of the victims. To proceed otherwise would be tantamount to accepting the consequences of breaches of the rule of law and human rights and thus legitimizing the results of aggression and ethnic

cleansing or, in other words, would be the illustration of the prevalence of force over justice.

The President (*spoke in French*): I give the floor to the representative of Australia.

Mr. Hill (Australia): Thank you, Sir, for convening this important debate. We welcome the opportunity to engage on this issue in the Council. This thematic debate is a valuable opportunity for the Council and the broader membership to take a step back from the task of implementation in country-specific situations and to consider the issue in a more strategic fashion.

In this regard, we commend the efforts of the Office for the Coordination of Humanitarian Affairs and the Council in updating the aide-memoire on the protection of civilians. We also thank Under-Secretary-General Holmes for his comprehensive briefing in this regard earlier today.

Given the constraints of time, I will focus my remarks on three areas of importance for Australia.

First, I would like to turn to the mandated task of protecting civilians, which has increasingly become a central feature of United Nations peacekeeping. Recent events in the eastern part of the Democratic Republic of the Congo have highlighted the critical importance of this mandated task. These events demonstrated the expectations of host populations and the international community associated with a protection mandate and they also starkly illustrated the constraints and challenges faced by United Nations peacekeepers. The Council is to be commended for its clarity in renewing the mandate of the United Nations Organization Mission in the Democratic Republic of Congo and the authorization of additional capacity.

The challenge remains, however, in implementation. Too often we have witnessed a disconnect between the political understanding reached in the Council and the practical reality on the ground. At times, this disconnect is due to capacity constraints. At other times, it is due to different interpretations of the mandate and the absence of a common understanding regarding the types of tasks permitted and required by the mandate. This disconnect between the strategic and operational levels needs to be reconciled in order to ensure that reasonable expectations are being set and that United Nations peacekeeping remains a dynamic and effective instrument of international peace and security.

As a contribution to addressing this challenge, Australia, in partnership with Uruguay, will host a one-day workshop on 27 January focused on the implementation of protection of civilian tasks in peacekeeping missions. The workshop is intended to provide a forum for dialogue among Member States, the United Nations and non-governmental organizations with a view to promoting a common understanding of the challenges faced in the implementation of such mandates. In so doing, we hope to work towards closing the gap between mandate and implementation. We invite all Member States to participate in the workshop and to contribute to addressing this important challenge.

Secondly, I would like to emphasize the need to end impunity for violations of international humanitarian law and human rights law. As the Secretary-General noted in his 2007 report (S/2007/643), where we are unable to prevent such abuses, we must at the very least ensure that the perpetrators and those who bear political responsibility for violence against civilians are held accountable for their actions. This is particularly the case in relation to sexual and gender-based violence. We must renew our commitment to ending impunity for such crimes.

Finally, I would like to touch briefly on the principle of the responsibility to protect. We look forward to receiving the Secretary-General's report on the responsibility to protect in the coming days. We expect the report to contribute to a shared conceptual understanding of the principle that was agreed by our leaders at the 2005 World Summit and to a shared appreciation of what is required on the part of Member States and the United Nations to implement the principle.

While implementation of the responsibility to protect requires action by a wide range of actors, the World Summit Outcome and the Charter of the United Nations give the Security Council a specific role to play in its implementation. To prevent mass atrocity crimes, the Council must ensure it uses the means at its disposal in timely and innovative ways. To take forward the Council's role, there is a need for it to be more receptive to early warning information from a wide range of sources, more willing to put country situations in which people are at risk on its agenda, and

more prepared to take early action designed to address the situation at hand. And Member States, of course, need to support such Council action.

We trust that all Member States can agree on the central premise that underlies this debate, namely, that civilians deserve our protection. Australia remains committed to working with partners in the international community to ensure that this premise is realized.

The President (*spoke in French*): I now give the floor to the representative of Jordan.

Mr. Al-Allaf (Jordan) (*spoke in Arabic*): Allow me at the outset to express our gratitude to the Under-Secretary-General for Humanitarian Affairs, Mr. John Holmes, for the important briefing that he has presented this morning. We would also like to note that we share his concerns about the safety and security of civilians in several conflict zones.

My country's delegation would also like to express its thanks and gratitude to you, Mr. President, for holding this important meeting to address the issue of the protection of civilians in armed conflicts. This meeting is aimed at entrenching the basic tenets of international humanitarian law, the Fourth Geneva Convention and the Universal Declaration of Human Rights. It is also aimed at reaffirming the political, legal and moral responsibilities of parties to conflicts towards civilians, civilian institutions and the protection of civilians in conflict situations. Moreover, the role of the international community lies not just in guaranteeing complete adherence to these laws, but also in guaranteeing that there will be no impunity in cases of violations.

This meeting comes at a difficult time, as the world watches, live and in astonishment, the situation in Gaza. The situation has been ongoing for three weeks now. All international rules and standards regulating armed conflict have been violated. The Israeli aggression has targeted unarmed and innocent civilians and destroyed infrastructure in Gaza. Here, Jordan joins the international call issued by the Secretary-General for an end to the suffering of civilians in Gaza and for their protection.

We are faced with an unprecedented example of inhumane aggression against the security, safety, rights and basic freedoms of human beings, the most important of which is the right to life and freedom from fear and terror, and against the right to the basic requirements of normal life. We are witnessing a flagrant violation — an attack against the identity of the Palestinian people and their character, future and basic rights. We are also witnessing an unjustified siege that has cut the lifeline of the 1.5 million Palestinians living in Gaza. These are civilians who are being subjected to a disproportionate use of force and to collective punishment. They deserve immediate protection by this Council.

I will not list all the figures, which are known to us all, but I would like to point out that 280 children have been killed, 1,200 have been wounded, and many more are living in fear and terror. This terror will haunt them for generations and decades to come. UNICEF has clearly expressed its deep concern over the destructive impact that the Israeli aggression has had on children in Gaza.

Israel must protect civilians, especially children, who constitute 56 per cent of Gaza's residents. Israel must abide by the provisions of international humanitarian law, especially the principles of distinction between targets and proportionality. These figures are not simply collateral damage; rather, they represent primary damage caused by targeted military operations in a disproportionate and exaggerated use of force. This arbitrary use of force does not distinguish between a military target and the United Nations Relief and Works Agency for Palestine Refugees in the Near East school, in which a group of women, children and elderly people had sought refuge from Israel's military operations.

The evacuation of the injured and the provision of safe passage for ambulances and medical personnel are among the most important tenets of international humanitarian law. On that basis, Israel must guarantee and facilitate access by medical staff and ambulances, which are now unable to do their duty in the light of the dangerous circumstances prevailing in Gaza. Israel must abide by the Universal Declaration of Human Rights, the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the Protocols Additional I and II to the Geneva Conventions of 12 August 1949, which pertain to the protection of the victims of international and non-international armed conflict. It must also abide by all relevant international instruments, the Declaration on the Protection of Women and Children in Emergency and Armed Conflict and all relevant General Assembly resolutions.

Jordan calls on the international community to uphold its responsibilities and obligations in protecting civilians in armed conflict, including by calling upon Israel to immediately implement resolution 1860 (2009), which calls for an immediate ceasefire that would lead to a full withdrawal of Israeli forces from Gaza and guarantee the full protection of the international community for the people of Gaza against the Israeli military aggression.

The President (*spoke in French*): I now give the floor to the representative of Argentina.

Mr. García Moritán (Argentina) (*spoke in Spanish*): I thank you, Sir, for convening this open debate on a matter that my delegation believes to be of particular importance, given its topical and sensitive nature. We are also grateful for the report by Mr. Holmes this morning.

The Security Council has provided the legal framework for the protection of civilians in armed conflict through its resolutions 1265 (1999), 1296 (2000) and 1674 (2006). This legal framework should be used to protect victims. The Security Council, in its resolution 1674 (2006), established that attacks deliberately targeting civilians or other protected individuals in situations of armed conflict represented a flagrant breach of international humanitarian law and condemned such practices most energetically.

This Council has also repeatedly required compliance with obligations under international law, in particular the provisions of the Hague Conventions, the Geneva Conventions and their Protocols, and the decisions of this Council. The Council has repeatedly condemned, in the most energetic terms, all acts of violence or abuse committed against civilians in situations of armed conflict in breach of the applicable international obligations, be it in Afghanistan, the Democratic Republic of the Congo, Somalia, Darfur or the Middle East.

The recent political history of my country and its commitment to international law, international humanitarian law and respect for human rights prompt us to speak up on matters that occur in other places. We are particularly sensitive to the suffering of civilian populations, and we are of the view that the State apparatus is responsible for protecting citizens living in territories under its control.

In this context, the Republic of Argentina expresses its profound concern with regard to the deterioration of the situation in the Middle East. We condemn the excessive use of force by Israel in Gaza and the launching of rockets towards Israel from the Gaza Strip.

Full respect should be ensured for obligations in the context of international humanitarian law and all measures should be taken to protect the civilian population. The United Nations reports are eloquent: the number of civilians who have died as a result of bombings and land operations is horrific. This must stop.

Humanitarian conditions in the occupied Palestinian territories are also cause for special concern for our countries. The international community should take urgent steps to alleviate the suffering of the Palestinian population. Israel must also contribute to that end by allowing humanitarian personnel immediate and secure access.

The humanitarian crisis in the Gaza Strip is alarming. In the current circumstances, international assistance cannot reach the affected population. If we do not act urgently, a major humanitarian crisis could ensue, potentially affecting more than 1.5 million Palestinians. We know that various coordination efforts are being considered to provide assistance in the area. Argentina is preparing a significant package of humanitarian assistance for Gaza. We are prepared to join our efforts with those of the international community. Our country is also prepared to contribute to official assistance, in particular by providing personnel from our White Helmets initiative and placing specialized teams of trained volunteers able to act as reserves at the disposal of the United Nations humanitarian system.

The Government of Argentina strongly emphasizes that this is the time for diplomacy. The inclination towards bellicose action should be abandoned. A negotiated way out of the crisis should be supported, including the urgent establishment of an unconditional ceasefire that allows the international community to immediately set up a humanitarian truce to make it possible to help people at risk.

The President (*spoke in French*): I now give the floor to the representative of New Zealand.

Ms. Graham (New Zealand): I would like to thank you, Mr. President, for calling this open debate. We welcome the latest revised aide-memoire on the

protection of civilians in armed conflict. We also thank Under-Secretary-General Holmes for his compelling briefing earlier today. The plight of civilians caught in current conflicts underscores the importance and immediacy of this subject for the Council and the international community. As the issue of the protection of civilians is wide-ranging, in the interests of time I will focus my comments on areas of importance to New Zealand.

First and foremost, as the aide-memoire affirms, it is the responsibility of parties to armed conflict to ensure the protection of civilians in conflict areas. It is a distressing reality that steps necessary to protect civilian populations are not being taken by parties to conflicts. Even more deplorable is the fact that civilians are not simply being caught in the crossfire but that, in many cases, are actually the targets of attacks.

New Zealand continues to be appalled at human rights violations and abuses directed against civilian populations. The crises in Darfur, Somalia, the Democratic Republic of the Congo and Zimbabwe are of particular concern, with human rights abuses occurring widely and often with apparent impunity. In many cases, targeted attacks against civilian populations, sexual violence, the recruitment of child soldiers, summary executions and the forced removal of civilian populations are causing extreme humanitarian distress. New Zealand stands with the international community in expressing its deep concern at those situations. We fully support United Nations peacekeeping and other relevant missions and actors in their efforts to protect civilians in zones of armed conflict in Africa.

The ongoing crisis in Gaza throws into sharp relief the plight of civilian populations caught in fighting by protagonists who show little regard for their safety. The indiscriminate firing of rockets into towns and the full-scale military campaigns being conducted in heavily populated cities inevitably mean that the civilian population pays the heaviest price. The protection of civilians begins with the need for an immediate, durable and fully respected ceasefire, as called for by the Council in resolution 1860 (2009). Full access must be allowed to relief agencies to assist the people of Gaza, who have borne the brunt of the suffering. Those are practical and immediately possible actions that simply require political will on the part of both protagonists.

The security situation in Afghanistan remains of concern, with ongoing insurgent attacks against the Government of Afghanistan and the forces of NATO and the International Security Assistance Force (ISAF). NATO and ISAF have stated clearly the importance of avoiding civilian casualties to the maximum extent possible. New Zealand is playing an active role in the protection of civilians through its Provincial Reconstruction Team in Bamyan province. The Team provides daily security to the people of Bamyan and facilitates development assistance programmes.

New Zealand is also deeply concerned at the increasing trend of attacks deliberately targeted at humanitarian workers in conflict zones. Many of those attacks involve humanitarian workers in United Nations-mandated assistance missions. We must do more to ensure the safety and security of those unarmed civilian workers. New Zealand urges all parties to armed conflict to respect international humanitarian law, and recalls in particular the duty to respect and protect humanitarian assistance personnel. We welcome the inclusion in the aide-memoire of the section on humanitarian access and the safety and security of humanitarian workers.

Finally, New Zealand is proud to be among the first countries to have signed the Convention on Cluster Munitions. The Convention places at its centre the people who are most affected by cluster munitions — the victims and communities trying to rebuild after armed conflict has disrupted their lives.

In conclusion, New Zealand strongly supports practical and concrete action to enhance the protection of civilians in armed conflict. We urge the Council to keep those issues at the forefront of its work.

The President (*spoke in French*): I now give the floor to the representative of Tanzania.

Mrs. Kafanabo (United Republic of Tanzania): At the outset, let me thank your delegation, Mr. President, for organizing this debate. We also thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his informative briefing. This debate comes at an opportune time, as it is taking place 60 years after the adoption of the Geneva Conventions, which provide for the protection of civilians in time of conflict.

It is distressing that there are still many conflict situations in many parts of the world where civilians are

in dire need of protection and where their human rights and dignity are grossly violated. On 10 December 2008, we commemorated in the General Assembly 60 years of the Universal Declaration of Human Rights. In doing so, we reaffirmed the Universal Declaration of Human Rights and stated, inter alia, that we have a duty to step up our efforts to promote and protect all human rights and to prevent, stop and redress all human rights violations. That is a duty we have to fulfil as we deliberate the protection of civilians in conflict.

The protection of civilians in armed conflict is not an option for warring parties — it is mandatory. While parties to a conflict are duty-bound to protect civilians, in particular the most vulnerable groups, such as women and children, what we are witnessing on the ground is very different. Civilians, and in particular women and children, have become direct targets in wars. Women and children are subject to atrocities such as rape, sexual and gender-based violence, forced labour and all forms of violence. We condemn all parties that perpetuate all forms of violence and violations of human rights against civilian populations. Indeed, the protection of civilians is a matter of human rights obligations in all its manifestations, for victims are robbed of their dignity irrespective of who they are or who they support in a conflict.

It is unacceptable that civilians should be left to suffer as conflicts rage on. We must act to end impunity, in our national capacities and collectively. National and international legal systems need to be strengthened to ensure that justice takes its course for those who abuse and violate human rights and that victims are adequately compensated. We therefore urge warring parties to respect international law, in particular international humanitarian and refugee law, and allow free access for humanitarian aid and workers and ensure their protection.

The responsibility to guarantee international peace and security is a matter for all Members of the United Nations, individually and in our regional and subregional organizations. In that endeavour, we are all responsible, not only for our acts for or against peace and security, but also for acts of those in areas of our jurisdiction. The United Nations and regional and subregional organizations all have a role to play.

I will illustrate this using the African region as an example. We have the Peer Review Mechanism in tandem with the New Partnership for Africa's Development; we have various pacts and protocols at the level of African subregions, such as the Pact on Security, Stability and Development, under which a protocol on the protection of refugees and internally displaced persons (IDPs) and their property rights was elaborated. Similarly, a protocol on the prevention and punishment of the crime of genocide, war crimes, crimes against humanity and all forms of discrimination has been elaborated. I believe that subregional organizations elsewhere have similar instruments. The United Nations needs to collaborate with regional institutions in order to strengthen these instruments.

It is of great importance to support all efforts geared towards protecting civilians in armed conflict. The best protection for civilians is to end conflicts. It is thus of greater importance to address the causes of conflict in the first place. As the Secretary-General once said, without peace there cannot be development, and without development there cannot be peace. In that regard, we call upon the international community to work with the United Nations to cause development to prevail at sustainable levels.

Safety for civilians in camps for refugees and IDPs would go a long way towards dissuading civilians and children from following the path of war. Besides bad governance and lack of democracy, ignorance, disease and poverty are also factors driving of civilians and children to joining armed parties, be they militias or disputed Governments. Further, we call upon the States Members of the United Nations to elaborate further on the concept of the responsibility to protect, as well as on human security as additional response mechanisms in the protection of civilians and in ending conflicts.

I wish to conclude by reiterating the commitment of the Government of Tanzania to the protection of civilians in armed conflict and its willingness to work with the international community in this regard.

The President (*spoke in French*): I now give the floor to the Permanent Representative of Morocco.

Mr. Loulichki (Morocco) (*spoke in Arabic*): I am speaking on behalf of the Arab Group, which would like to thank you, Mr. President, for your initiative to convene this open debate on the protection of civilians in armed conflict. I would also like to thank Under-Secretary-General John Holmes for the valuable and comprehensive briefing he gave during this debate.

Today's six-monthly debate coincides with a painful event that highlights its importance and places it in a special light of practicality and everyday life. At a time when the Council is meeting to discuss the content, mechanisms and goals of the concept of protection of civilians, we are witnessing the tragedy of the Palestinian people in Gaza, which is of direct relevance to the issue at hand today.

For the past 19 days, Israel has invaded Gaza using the full potential of its war machine, spreading terror and destruction, assassinating innocent children, annihilating entire families and destroying homes, schools and places of worship. The toll of this aggression has exceeded 1,000 dead and 4,500 injured, not to mention the tens of thousands of Palestinian civilians who have been forced to flee their homes. Where are we in terms of protecting civilians in times of war?

Israel has not stopped at this point. Rather, it has tightened its siege on Gaza and its residents. It has deprived them of the most basic requirements of life. It has prevented them from seeking their daily living and has obstructed the fuel and electricity needed to power public facilities, including hospitals. It has also prevented humanitarian aid from reaching those in dire need of its assistance. What precisely are we doing in terms of protecting civilians in times of conflict?

Moreover, Israel has attacked a school run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, in which families had sought refuge from the Israeli war machine. Instead, they were met with death. Medical teams and international staff have also been targeted by the Israeli military machine. In addition, the occupying forces, in their vindictive military campaign, have used white phosphorous bombs, as well as weapons that have been banned internationally. What, then, are we doing to uphold our duty to protect civilians in times of conflict?

The catastrophic situation of civilians in Gaza is a painful reminder of what the Palestinian people are suffering every day throughout the occupied Palestinian territories as a result of Israel's illegitimate occupation, its illegal settlement policies, its inhuman siege and its efforts to annihilate the Palestinian identity and punish Palestinian civilians. The occupying Power has become more oppressive and tyrannical as it flouts the principles of international humanitarian law and the Fourth Geneva Convention of 1949, which includes clear provisions pertaining to the protection of civilians in times of war, clearly stipulates the responsibilities that Israel as an occupying Power must uphold and obliges it to implement and respect those provisions. This was reaffirmed strongly by the Human Rights Council in the resolution adopted at its special session of 9 January 2009. The Council called "for immediate international protection of the Palestinian people in the occupied Palestinian territory in compliance with international human rights law and international humanitarian law". (*A/HRC/S-9/L.1/Rev.2, para. 9*)

The Secretary-General has repeatedly condemned the Israeli aggression and has called for its immediate cessation. Moreover, the Office of the United Nations High Commissioner for Refugees has described the Palestinians' plight as the only conflict in the world in which people are not even allowed to flee. Recently, the Council adopted resolution 1860 (2009) calling for an immediate ceasefire in order to put an end to the bloodbath, whose price the unarmed Palestinians are paying more dearly than anyone else. However, instead of responding to or heeding the call of the Council, Israel has pursued its aggressive policies and even escalated its aggression, claiming the lives of dozens every day with no concern for international appeals, regardless of their source. What, then, are we doing to uphold our duty to protect civilians in times of war?

What awaits the Palestinian people, the rest of the Arab countries and the international community as a whole? They expect the Council to work to ensure Israel's implementation of resolution 1860 (2009) immediately and its immediate declaration of a ceasefire. Every hour that passes jeopardizes the lives of hundreds upon hundreds of innocents and increases the desperate humanitarian situation of the rest of Gaza's residents. Is this not one of the duties of protecting civilians of times of war?

The aide-memoire prepared for this meeting indicates the need for the Security Council to take into consideration the situation of most civilians, as well as the responsibilities of parties to a conflict to protect civilians and to respond to their basic needs. It also condemned all the aggressor's actions and called for an immediate end to those and any others that would harm civilians in situations of armed conflict, in accordance with international humanitarian, human rights and refugee law and the relevant conventions.

Therefore, if there is a way to translate those good intentions into concrete implementation by matching the Council's words with actual deeds, and to gauge their feasibility by their impact on the ground, then civilians in Gaza and the rest of the occupied Palestinian territories must be protected. That would end the bloodshed and the aggression that has targeted them, thus preserving the credibility of the Security Council and enhancing the effectiveness of its efforts.

In conclusion, the protection of civilians in armed conflict, despite its importance, is part of a larger challenge related to the need to peacefully resolve conflicts and to positively and effectively address their underlying causes. That challenge lies at the heart of the responsibilities of the Security Council, which, under the Charter of the United Nations, is the principal organ responsible for the maintenance of international peace and security.

The President (*spoke in French*): I now call on the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): We thank you, Mr. President, for convening this open debate and the Emergency Relief Coordinator for his briefing at the beginning of this meeting.

This debate is taking place against the backdrop of the armed conflict in Gaza, which is causing very high numbers of civilian casualties, in particular among children. We support resolution 1860 (2009), which is legally binding on the parties to the conflict, and call for its implementation, first and foremost in the interest of the civilian population, whose rights are not being respected, who are bearing the brunt of the ongoing violence and who are being deprived of the necessary humanitarian assistance. The parties to the conflict have the responsibility under international humanitarian law to facilitate humanitarian operations.

Civilian populations have always suffered the consequences of armed conflicts, but modern warfare and the changed nature of armed conflict have massively exacerbated their situation. The Security Council has routinely discussed the plight of civilians in conflict situations and achieved some remarkable results. Most recently, resolutions 1674 (2006) and 1738 (2006) constituted important steps in enhancing the normative and operational framework for the protection of civilians.

Nevertheless, the disproportionate burden that armed conflicts continue to place on civilians requires more consistent and more permanent engagement. The establishment of an expert-level group of the Council and the consistent application and updating of the aide-memoire with a view to the consideration of issues pertaining to the protection of civilians would facilitate more systematic consideration of protection issues.

A positive development outside the Council was the adoption of the Convention on Cluster Munitions, which we have signed, together with nearly 100 other States. While that was only a first step, we hope that it will rapidly lead to the total elimination of such weapons, which are by nature indiscriminate and causing enormous suffering among civilian populations around the globe.

This year, we are celebrating the sixtieth anniversary of the adoption of the Geneva Conventions, one of the outstanding achievements in the history of international law and the centrepiece of international humanitarian law. Only the full implementation of the Geneva Conventions and of other provisions of international humanitarian law can ensure the effective protection of civilians in armed conflict. Sadly, in the recent past, we have witnessed an erosion in the observance of international humanitarian law, and we must urgently reverse that trend.

We are also supportive of the principle of the responsibility to protect, endorsed at the summit level more than three years ago, and call for its consistent application both at the international level and by the relevant intergovernmental bodies.

If the observance of the relevant standards of international law is at the core of the protection agenda, the effective fight against impunity is its necessary complement. When national judiciaries fail in their duty to prosecute the most serious crimes under international law, the International Criminal Court can step in to fill the gap. While more than 100 States have become parties to the Rome Statute, the Security Council also has a special obligation by virtue of the referral powers given to it under the Statute.

One type of crime warrants the particular attention of the Council. Owing to its large-scale, systematic and targeted use, sexual violence is no longer simply a by-product of armed conflict; it has become a method of warfare aimed at destroying the

social fabric of communities in order to achieve political and military ends. In that regard, we reaffirm our support for resolution 1820 (2008). The protection of civilians from acts of sexual violence must be a task inherent to all peacekeeping missions, and the Council's mandates must offer clear guidance on how to provide such protection. Furthermore, the full implementation of resolution 1820 (2008) requires more resources for the collection of data on sexual violence in conflict situations.

The President (*spoke in French*): I now call on the representative of Nicaragua.

Mrs. Rubiales de Chamorro (Nicaragua) (*spoke in Spanish*): We thank you, Mr. President, for having convened this important debate on the protection of civilians in armed conflict. We also wish to thank Under-Secretary-General Holmes for the information he provided today.

International humanitarian law is implemented in times of war to protect persons who are not participating or no longer participate in hostilities because they have been wounded or taken prisoner. In addition, it imposes restrictions on the methods and means of combat. The main instruments of such law are the Geneva Conventions of 12 August 1949 and its Protocols Additional, which are nearly universally accepted. I say "nearly" because this debate is occurring in the face of a concrete case of the violation and non-application of those international instruments. This is the case in Israel's terrible aggression carried out by land, sea and air against the civilian inhabitants of the Gaza Strip. We are witnesses to the fact that in Gaza, the very bases of society — houses, civilian infrastructure, public health facilities, universities and schools — are being destroyed.

On Tuesday, the United Nations Committee on the Rights of the Child denounced the devastating effects of the Gaza conflict on children. The Committee's 18 experts recalled that the international instruments to which Israel has acceded prohibit the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places that generally have a significant presence of children, such as schools and hospitals.

My delegation wonders: Who is stopping the violation of the most fundamental rights of these thousands of civilians, children and women who are being massacred? What body of our Organization is implementing on the ground the provision, set out in the first paragraph of Article 1 of the Charter of the United Nations, for the suppression of acts of aggression or other breaches of the peace? How many more children will have to die in Gaza before the United Nations takes action?

In accordance with the instruments of international humanitarian law that I mentioned previously, in the event of hostilities every possible precaution must be taken to avoid causing the collateral death or injury of civilians, or damaging civilian property. The distinction must be made between property of a civilian nature, such as homes and places of worship, and military targets.

However, Israel seems to have a contrary understanding of these provisions and has taken every possible measure, such as the use of the most technologically advanced weapons — including weapons of which the use is prohibited in international humanitarian law — to cause the largest possible number of civilian victims and the destruction of civilian property. The banned weapons that are being used, as borne out by independent experts in Gaza, include white phosphorus and cluster munitions, which are strictly banned in densely populated areas, such as those we are talking about here.

Given this tragic situation, I would like to express the profound disappointment of the people and the Government of Nicaragua that the Security Council has not been able to date to take real and concrete measures on the ground or to comply with its responsibility to immediately halt the Israeli aggression against the Palestinian people. This concern is all the greater given the possibility that the conflict could spread through the region.

The number of civilian victims in the Gaza Strip has doubled since the adoption of resolution 1860 (2009), as have the derision and disdain of Israel of the adopted resolution, of the body that adopted it, and of the members of that body, particularly the permanent members, and of the international community in general. And this disdain does not end there, since the Israeli slaughter and barbarity continues against the Palestinian civilian population.

As a State Member of the United Nations, we urge this body to comply with its responsibilities, take the measures necessary to implement resolution 1860 (2009), and establish a ceasefire leading to a

withdrawal of the Israeli occupying forces, thus halting the genocide that is being practiced against the civilian population of the Gaza Strip and ensuring the unfettered delivery of humanitarian assistance. The resolutions of the principal body of the United Nations for the maintenance of international peace and security must be complied with on the ground, all the more so when human lives are at stake. We must act to protect the civilians in the armed conflict in Gaza from the Israeli armed aggression.

Given this situation of inertia, my Government supports the call by the President of the General Assembly, who at the request of the countries of the Non-Aligned Movement has decided to reconvene the tenth emergency special session of the Assembly. We support the Secretary-General in all his initiatives on the Middle East and any other international initiative that will bring an end to the slaughter once and for all. We have the unshirkable responsibility to protect civilian populations in armed conflict.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): It is indeed appropriate that we should meet on the issue of the protection of civilians in armed conflict at this particular time. Despite the legal developments and international agreements on the protection of civilians in armed conflict that have emerged since the establishment of the United Nations, starting with the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the numerous resolutions subsequently adopted by the Security Council, civilians are still paying the heaviest price in armed conflicts.

It is indeed ironic that the gap between text and implementation — between what the law dictates, on the one hand, and what is practiced on the ground, on the other — is gradually growing wider. We are referring, of course, to the protection of civilians in armed conflict.

Although some theorists like to commend what they call the great developments in and evolution of international law, civilians in armed conflict and those living under foreign occupation and settlement are still suffering from all forms of violence and forced displacement; as well as the intentional deprivation of humanitarian aid, not to mention the confiscation of land. In short, those civilians are still being subjected to everything that is contrary to the law, their only fault being that they reside in so-called areas of armed conflict or that their lands have been occupied by others and have been managed and administered in their absence — or even in their presence. These lands are being manipulated in a way that is very close to genocide and ethnic cleansing.

In a statement I made to this Council on 27 May 2008, I referred to Mr. Holmes' statement to the Council in November 2007 on the deteriorating situation in the occupied Palestinian territories, especially Gaza, which he described at the time as reaching the limits of what is bearable for any community. I would now like to recall what Mr. Holmes said in his statement of 27 May 2008. "In Gaza, Israeli air attacks and ground incursions continue to result in unacceptable Palestinian civilian casualties" *(S/PV.5898, p. 3)*.

At that time, seven months ago — which happens to be the duration of the truce with Israel — I described the inhuman situation of civilians in Gaza as a result of collective punishment policies that are legally actionable and that are embodied in the siege and in the deprivation, oppression and tyranny that Israel has practiced against civilians under the umbrella of a so-called truce. This so-called truce has in fact led to the transformation of the Gaza Strip into the biggest collective detention camp in the world, while its residents have been deprived of the most basic requirements of life. The situation I described was the tragic situation during the truce of the past seven months, as Mr. Holmes, who is sitting to my left, can attest.

According to the science of philosophy, rational thought would presume that repeated calls upon Israel to put an end to these practices should logically lead to its immediate cessation of these illegitimate policies and practices. That is what the rational thought of philosophy would assume. Unfortunately, Israel did not just ignore these calls and the demands issued several months ago, during the truce. Rather, it escalated its aggressive practices and launched a cowardly military operation targeting the unarmed civilians that it is holding prisoner in this detention camp called the Gaza Strip. It has killed and wounded thousands and is continuing to do so at this very moment, thus completely undermining the concepts of international legitimacy, international law and international humanitarian law.

Incidentally, we would like to remind the Council that this collective prison called Gaza occupies an area of only approximately 363 square kilometres. It is a strip of land that is 35 kilometres long and about 6 to 12 kilometres wide. It is equivalent to the area of one of the Nazi detention camps that humanity mistakenly thought were a painful experience never to be repeated in the future. However, Israel has insisted on such a repetition.

Let us review together what was stated in the Security Council's statement on the protection of civilians, of 27 May 2008 (S/PRST/2008/18). The Council reaffirmed that parties to armed conflict are responsible to take all feasible steps to ensure the protection of affected civilians, in particular giving attention to the specific needs of women and children. What was Israel's response to these words? Its response was to kill more than 400 children and approximately 200 women, not to mention the elimination of entire families.

Moreover, the Security Council statement stipulated the need to grant safe and unhindered access of humanitarian personnel to provide aid to civilians in armed conflict in accordance with international law. What was Israel's response to this statement? Its response was to deny medical and food aid completely despite international calls to the contrary, the most recent of which was resolution 1860 (2009). And what were its aims through this? To kill those it could not kill directly by depriving them of food, medicine, water and electricity.

The Israeli forces also rounded up several families and led them to an empty house, then bombed them from aircraft in a flagrant breach of the Third Geneva Convention relative to the treatment of prisoners. Moreover it has used internationally banned weapons such as white phosphorus in bombing its enemies, who are women and children.

The criminal acts that Israel is perpetrating constitute a unique case of wholesale violation of all the principles and tenets of international law and international humanitarian law, the Rome Statute of the International Criminal Court and the Geneva Conventions of 1949 and their Additional Protocols, as well as international conventions on the protection of children. These crimes are war crimes and genocide that must be prosecuted.

Let us admit here that Israel's aggressive behaviour has a unique trait — let us call it a shortcoming — that no usurper in history has yet achieved: it violates humanity's entire legal tradition in one go, with no exception. Here we ask this Council to tell us which legal obligations Israel has upheld since the Security Council placed the item of the protection of civilians in armed conflict on its agenda in the late 1990s. We also ask the Council to inform us where and when has it held Israel accountable for its violation of international criteria and laws pertaining to the protection of civilians.

The important question, whose answer would be much appreciated by us and by many others, is why are there two standards in the implementation of international law, and why is Israel exempt from the implementation of these standards? Is this so-called international law designed on the basis of criteria that have nothing to do with the criteria of our Member States but much to do with the narrow interests of some influential States in the Security Council, with the aim of protecting Israel and holding it above international law? Is this the reason? Or is there a problem in understanding the terminology so that some do not consider the Palestinians unarmed civilians like all others in the free world?

We note here that the Charter of the United Nations does not give a State the right to violate civilians' rights, including the rights of civilians under occupation, using the excuse of self-defence. Rather, the Charter obliges the occupying Power to meet clear requirements. It is not permissible for some, even with good intentions, to repeat in this Chamber Israel's lie that its aggression against the Palestinians is in self-defence, in application of Article 51 of the Charter, because that Article does not apply to invading forces that forcibly occupy others' lands and have done so for decades. Quite to the contrary, Article 51 of the Charter applies by default to the Palestinians' resistance against Israeli occupation, in self-defence. In other words, the right to self-defence must not be manipulated by some to justify their silence over Israel's crimes. There is an Arabic proverb that says "Those who do not speak out against wrong are but a silent Satan".

The situation of Syrian residents in the occupied Golan is not much different from that of the Palestinians. The Israeli occupation forces continue to confiscate land and to expand illegal settlements. The so-called regional settlement council in the Golan, with

the support of the occupation Government, has endorsed plans to build a new settlement tourism village that would occupy 40 dunams near the Israeli settlement of Ani'am, which was built over the ruins of the Syrian town of Nakhila Taibeh. Moreover, that council, in cooperation with the religious Yonatan settlement administration, which is an extremist organization, has set up a plan to attract thousands of settlers so that their numbers would increase to over 50,000 in the near future. Also, representatives of Israeli parties in the settlement of Ketzarin, which was also built on the rubble of a Syrian town, Qazrin, have signed a coalition agreement within the framework of the regional settlement council that aims to establish cooperation and coordination among them in order to oppose any Israeli withdrawal from the Golan in light of the resumption of indirect negotiations to that end.

Israel continues to impose a policy of oppressing civilian Syrian citizens in the occupied Syrian Golan. It continues to imprison them with no due cause and to subject them to situations that could jeopardize their lives. We would like to call attention here to the case of prisoner Bashir Al Moqt. My Government has called on the Secretary-General, the Red Cross and others to intervene to save his life.

Israel also continues with its policy of cutting off all forms of communication and contact between Syrian family members who have been separated as a result of the occupation. Moreover, the Israeli forces have confiscated Syrian identity cards given to students from the occupied Golan attending Damascus University when they returned to their towns in the occupied Golan. Here, Syria calls upon this Council to pressure Israel to allow Syrian citizens to visit their Syrian motherland, through the Quneitra crossing immediately and without delay, in order to give credibility to this particular debate,. My country has dispatched messages in this regard to the Secretary-General, the Presidents of the Security Council and General Assembly and governmental and non-governmental organizations requesting them to intervene to help in resolving this issue.

We hope that all of these parties would translate the positions that they have taken today into real actions, especially since international law stipulates that Israel's occupation of the Golan is actually several occupations, thus requiring that the Council issue several incriminations. Israel has not been occupying the Syrian Golan since 1967, but also adopted a provocative and unjust resolution claiming to annex the occupied Golan, which was unanimously rejected by this Council in its resolution 497 (1981). The Council considered the decision to annex as void and demanded that Israel immediately rescind it.

The President (*spoke in French*): I now give the floor to the representative of Colombia.

Mr. Montoya (Colombia) (*spoke in Spanish*): Allow me to begin by congratulating you, Sir, for your work as President of the Security Council and for your initiative to convene this debate on an issue to which my Government ascribes particular importance. We would also like to thank Under-Secretary-General John Holmes for his informative briefing. We welcome the support that the Office for the Coordination of Humanitarian Affairs and other bodies of the United Nations system have provided to Colombia in the tasks of attending to the civilian population and protecting their rights.

The Government of Colombia has prioritized, through our democratic security policy, the objective of promoting conditions that guarantee the protection and full enjoyment of the rights of all persons living in our country. This has allowed for significant progress in terms of citizens' security, such as the reduction in the rate of extortive kidnappings to its lowest point in the past 20 years, the reduction to zero of the number of towns taken by groups outside the law and the consolidation of the State presence and security forces throughout the country. The task of protecting the population has been carried out through policies and continuous actions that involve various State entities.

In terms of dealing with displaced persons, Colombia has continued to strengthen its national assistance policy. In 2008, 260,000 displaced families were registered in the Families in Action programme, which allows resources to be allocated for social welfare. In addition, 86,000 displaced families were registered during the same period in income-generating programmes. The management of the assets earmarked for the Fund for the Reparation of Victims of Violence has also begun. The Fund will benefit victims identified by the judicial authorities through a process being carried out within the framework of the Peace and Justice Law.

The Government of Colombia reaffirms its condemnation of any action aimed against the civilian population. The protection of the civilian population

and strict compliance with international humanitarian law and other relevant international norms are matters of absolute priority.

Ten years after the Security Council first began holding thematic debates on the protection of civilians in conflict, there is still no clear conceptual understanding of this issue. In this regard, the aide-memoire for the consideration of matters relating to the protection of civilians, soon to be adopted, is a useful instrument to guide the work of this body in formulating and following up on this issue in peacekeeping operations. We believe that it is appropriate that the Security Council has adopted an approach focusing the scope of the aide-memoire on such operations, looking at one case at a time and bearing in mind the specific circumstances of each situation.

From this perspective, it is essential to underline that the primary responsibility for the protection of civilians rests with each State and that, in turn, States can request international support when they deem necessary. In this context, the United Nations and the international community in general have a supporting role to play in national protection efforts. Humanitarian assistance, in order to be reliable and predictable, must be carried out in accordance with the Charter of the United Nations and in conformity with humane principles and the principles of neutrality, impartiality and independence.

Colombia supports the operational work of the United Nations for the protection of civilians. To this end, adequate cooperation between the Security Council and other relevant United Nations bodies must be maintained. In particular, the role of the General Assembly as the appropriate body for adopting policy guidelines in the humanitarian field must be strengthened.

Furthermore, my delegation would like to highlight the urgent need to establish effective controls for the illicit traffic of small arms and light weapons as indispensable to better protection for civilian populations. For my country, that illicit trade, which is of an international nature, represents a serious problem, as it threatens civilian security, increases crime rates and results in the death or permanent disability of thousands of persons.

Likewise, the Government of Colombia highlights the importance of the Convention on Cluster Munitions, which was mentioned today by the Under-Secretary-General. Colombia is one of the countries that signed the Convention at the conference held to that end in Oslo in December 2008. With this decision, the Government of Colombia reiterated its commitment to respect for human rights and international humanitarian law and its willingness to face the problem of weapons that have a humanitarian impact.

Colombia supports efforts aimed at providing protection to civilian population and guaranteeing their rights, in accordance with the Charter of the United Nations and the norms of international law, including international humanitarian law. We will shortly celebrate the sixtieth anniversary of the adoption of the Geneva Conventions. In the lead-up to that commemoration, the Government of Colombia reaffirms its unwavering commitment to the norms established in those important instruments.

My delegation will maintain an active participation in future discussions on this issue and its ongoing willingness to promote the treatment of this issue by the various bodies and institutions of the United Nations.

The President (*spoke in French*): I now give the floor to the representative of Myanmar.

Mr. Than Swe (Myanmar): At the outset, I wish to thank you, Mr. President, for convening this debate. I also wish to extend my thanks to Under-Secretary-General John Holmes for his valuable and comprehensive briefing this morning.

Over the past several decades, we have witnessed a decline in the number of armed conflicts around the world. However, armed conflict, with all its complexity, continues to rage in some parts of the world. The grim reality we face today is that the protection of civilians in armed conflict remains a daunting challenge for the international community. The easy availability of illicit small arms and light weapons exacerbates the situation. Modern warfare and armaments, even with their deadly precision, result in collateral damage and massive destruction.

Myanmar believes that the most effective way to protect civilians in armed conflict is to address the root causes and put an effective end to it. In order to establish durable peace and stability, reconciliation between the parties to a conflict needs to be reinforced, along with the promotion of sustainable development,

the eradication of poverty, good governance and the protection of human rights.

With that in mind, the Myanmar Government has embarked upon a national reconciliation process by engaging in peace negotiations with armed insurgent groups. As a result, 95 per cent of armed insurgents, numbering some 100,000, have returned to the legal fold. The former insurgents have also joined the national convention process, participated in the drafting of a new constitution, taken part in the national referendum and endorsed the new constitution. Peace and stability therefore prevail in almost all parts of Myanmar.

Myanmar also believes that the easy availability of illicit small arms and light weapons adds complexity to the nature of armed conflicts. It not only prolongs and deepens a conflict, but it also has severe implications for the social fabric. It breeds terrorism and transnational crime such as trafficking in human beings, drugs and illegal contraband. Myanmar therefore believes that a legally binding international instrument that prohibits the illicit trade in small arms and light weapons with non-State actors will go a long way to protect civilians in armed conflict.

Over the past nine years, the United Nations has made significant progress in strengthening its role in the protection of civilians in armed conflict. The four thematic resolutions of the Security Council on the protection of civilians form an effective comprehensive framework for action in that area. It must be stressed that the implementation of the resolutions should be implemented in faithful conformity with the provisions of the Charter of the United Nations and while upholding and respecting the principles of humanity, neutrality, impartiality and independence. National sovereignty and territorial integrity should also be respected, in order to foster a spirit of cooperation and confidence-building for the promotion of durable peace and stability.

My delegation is fully committed to a peaceful solution to the Arab-Israeli conflict. We are convinced that there is no military solution to it. We strongly call for the protection of civilians. In that connection, my delegation wishes to express its profound concern about the destruction and loss of innocent life as a result of the ongoing military attacks in the Gaza. Myanmar joins the international community in urging the cessation of all military activities and violence in order to find a peaceful solution to the escalating conflict.

The United Nations and the international community have a legal and moral obligation to work for durable peace. The principles enshrined in the Charter of the United Nations, the relevant Security Council resolutions, in particular resolution 1860 (2009), and the relevant international humanitarian and human rights law must be upheld in a balanced, non-discriminatory and transparent manner if we genuinely wish to protect civilian populations from armed conflict and promote peace and stability.

The President (*spoke in French*): I now give the floor to the representative of Kenya.

Mr. Muita (Kenya): I have the honour to participate in today's debate. At the outset, let me express my appreciation to you, Mr. President, for organizing this important gathering. I also wish to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his comprehensive briefing this morning.

The Security Council's continued consideration of this agenda item is an indication of its commitment to protect civilians in conflict situations. It is civilians who are always severely and negatively impacted by war and other conflicts. That has become a constant problem — for instance, in the Horn of Africa and the Great Lakes region, where hundreds of thousands of civilians have been uprooted from their normal daily lives by the effects of conflict. I believe that we must continue to make concrete and specific efforts to ensure the dignity of those distressed by war. That need is echoed in the words of former Secretary-General Kofi Annan, who said:

> "As human beings we cannot be neutral, or at least have no right to be, when other human beings are suffering. Each of us . . . must do what he or she can to help those in need, even though it would be much safer and comfortable to do nothing".

The protection of civilians in armed conflict is a humanitarian as well as a human rights issue and is in conformity with international humanitarian law. There have been some achievements in that area during the past decade. Those include increased engagement by the Council through the adoption of resolutions,

especially resolutions 1738 (2006) and 1674 (2006), combating impunity at the national and international levels and prioritizing the protection of civilians in peacekeeping mandates. However, there still remain considerable challenges ahead. I wish to highlight just two of them, first humanitarian access.

Humanitarian access during conflict is life-saving, and thus the importance of providing a secure environment for humanitarian workers to access civilians in need, including displaced persons. We support current efforts to enhance the capacity of peacekeeping missions to provide protection to humanitarian providers, but there are still significant challenges at the operational level, where peacekeepers lack capacity to reach the entirety of a threatened population. There is therefore an urgent need to address and streamline that aspect to avert large-scale population displacements and widespread human rights violations in future conflicts.

Secondly, gender-based violence has been used as a calculated tactic of war, apparently to dehumanize and instil fear in civilian populations. The adoption of resolutions 1325 (2000) and 1820 (2008), which concern civilians in conflict zones, was a step in the right direction, but much is required to enhance their implementation. We need to move from words to deeds to ensure the protection of the sexually vulnerable in armed conflict, as those acts destroy individuals, families and communities.

As the Council may recall, early last year was a particularly difficult period for my country, with the violence following the December 2007 election. Civilians were the primary target of attack. Many were displaced from their homes and denied access to life-saving nourishment, medicine and shelter. As the State has the primary responsibility for the protection of civilians in conflict, the Government of Kenya, with strong support from international and regional partners, stepped in to avert a further worsening of the crisis and provided protection to its civilians. The displaced were provided with accommodation in camps for the internally displaced in the affected areas. Government security forces were used to open up supply routes and highways to enable the continued flow of humanitarian support to affected areas. That ensured that civilians in conflict areas were afforded basic human dignity throughout the crisis.

In conclusion, my delegation reaffirms my country's commitment to the protection of civilians in situations of armed conflict. Together, we need to address the root causes of conflicts in order to reduce their occurrence.

The President (*spoke in French*): I now give the floor to the Permanent Representative of Egypt.

Mr. Abdelaziz (Egypt) (*spoke in Arabic*): At the outset, I would like to express the appreciation of the Egyptian delegation for your initiative, Mr. President, to convene this general debate on the protection of civilians in armed conflicts.

This debate takes place at a very perilous time. The Palestinian people in the Gaza Strip are confronting genocide under the very nose of the Security Council, and the Israeli occupying Power is clearly and flagrantly violating its obligations under international law and international humanitarian law. Moreover, its actions constitute a blatant defiance of the authority of the Security Council, which has made continuous calls — inter alia, in its press statement of 15 December and its resolution 1860 (2009), adopted on 8 January 2009 — for an immediate ceasefire between Palestinians and Israelis.

The recent Israeli aggression against the Gaza Strip has demonstrated unequivocally the inability of the Security Council to enforce its decisions. It has also demonstrated the Council's inability to adopt critical decisions in a timely manner, as expected by the international community. Furthermore, the Council has demonstrated its inability to prevent the escalation of Israel's brutal air and ground military operations and its use of internationally banned weapons. The Council is also unable to impose the will of the United Nations as the sole representative of the international community, even when such representation takes the form of a unanimously adopted statement or a resolution adopted by 14 votes in favour and the abstention of one member that endorsed the main thrust of the text.

The issue, then, is that the Security Council discusses the protection of civilians in armed conflict, but turns a blind eye to the ongoing massacre, which has killed approximately 1,000 Palestinians and injured nearly 5,000, at the hands of a brutal force occupying their land. The Council procrastinates on any significant negotiations aimed at peace and claims, with support from forces within and outside its

membership, that Israel is exercising its legitimate right to self-defence and reacting to the deaths of Israelis, who number no more than the fingers of one hand, from rockets launched from the Gaza Strip. Israel uses not only excessive and disproportionate force, but also internationally prohibited weapons, in its so-called self-defence, while flouting all its legal and ethical obligations.

Protecting civilians in armed conflict from death and injury and providing humanitarian and economic assistance to the brotherly Palestinian people were the main goals of the Egyptian initiative launched by President Mubarak on 8 January, in conjunction with the adoption of resolution 1860 (2009). The initiative calls first for an immediate ceasefire for a predetermined period, during which humanitarian assistance can be delivered. It provides for an appropriate timeframe for negotiations on the arrangements and guarantees stipulated by the resolution in order to make the temporary ceasefire permanent, thereafter promoting the resumption of peace negotiations.

However, both parties have so far chosen not to implement this initiative; each believes that it will emerge victorious from this military confrontation, ignoring the fact that there are no winners in such a war. There will be clear losers, however: the civilians of Palestine and Israel alike. Those civilians have lost their lives so that some might achieve their electoral aspirations or claim a bogus victory at the expense of the deceased victims. Victory cannot be achieved except through a genuine peace process based not on the ambitions and aspirations of individuals, but on the benefits of peoples living in peace and stability.

Egypt's efforts to establish an immediate ceasefire between both sides continue, but it also believes that the Security Council has a great responsibility to impose the international will represented in its resolutions and statements; adopt all the necessary measures to protect civilians on both sides by pushing forcefully to implements its decisions; enforce all human rights protection mechanisms, especially through the convening of a special session of the high contracting parties to the Fourth Geneva Convention; implement the resolution adopted by the Human Rights Council on 11 January; and provide international protection through a protection force for the Palestinian people, in implementation of the principle of the responsibility to protect. Some seek to apply that principle to specific countries, while bypassing others toiling under brutal occupation and confronting ferocious aggression without any international force to protect them.

Furthermore, the Security Council is primarily and the General Assembly secondarily responsible for investigating war crimes, crimes against humanity and genocide, and for handing over those who are responsible for committing such crimes to international prosecutors. This should take place in conjunction with Arab and international efforts to end the occupation, since without an end to the occupation and without a right for the Palestinian people to establish their independent State with Jerusalem as its capital, the Middle East will never enjoy stability and civilians in Palestine and Israel will not enjoy lives of peace and security.

In order to achieve those ends and to create an opportunity for the peace process to succeed, the siege imposed on the Palestinian people in Gaza must be lifted, access to basic humanitarian and economic needs must be ensured, and Palestinian national reconciliation should be achieved so that clear political prospects that will contribute to the success of regional and international efforts to stop the violence and ensure the success of the peace process, can be established. In this regard, Egypt will continue to do its utmost to achieve those two goals by supporting all efforts to restore full security and stability to the occupied Palestinian territories until the occupation has ended and the independent Palestinian State is established.

The President (*spoke in French*): I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): This meeting to consider the issue of the protection of civilians in armed conflict is very timely, in view of the tragic events that have plunged the Palestinian people in Gaza and the international community into mourning and threaten to engulf the United Nations once again in a cloud of desperation, impotence and frustration. Civilians trapped in armed conflicts and those who suffer because their neighbours are suffering hope that the purposes and principles enshrined in the preamble of the Charter of the United Nations will be applied to safeguard current and future generations from the scourge of war.

The nature of armed conflicts is changing, involving a whole series of factors that must be examined as a whole. The parties involved, the Security Council, the General Assembly, the Economic and Social Council, the Human Rights Council and other bodies of the system, each within their respective competencies, need to examine strategies of prevention to safeguard peace and protect civilians, looking to the underlying causes of armed conflict.

In the Gaza Strip, we are facing one of the worst types of war in the modern world: punishing the civilian population to break their morale, destroy their spirit of resistance, crush their will to fight and lead them to believe that slavery can be benign. However, the dignity of peoples has prevailed throughout history. Resistance in search of freedom and self-determination is preferable to submission to genocidal Powers.

Resolution 1674 (2006) contains valuable elements. The Bolivarian Republic of Venezuela wishes to emphasize that the framework established by that resolution is not exhaustive in terms of the possible actions that the international community should or could take. This is shown most clearly in the deplorable cases of inaction or excessive delay in responding on the part of the Security Council when it needs to safeguard the lives, physical integrity and basic needs of civilians in situations of armed conflict.

The recent experiences in the Gaza Strip and southern Lebanon are clear examples of how an outdated institution tied to the specific interests of certain States can affect civilians. It enables the parties to a conflict — or some of them — to flagrantly violate international humanitarian law and human rights.

Venezuela reiterates that the primary responsibility for the protection of civilians in armed conflict rests with States. Here, the international community can play a constructive role by supporting national efforts, always respecting the framework set out in the Charter of the United Nations, and working to preserve the sovereignty and territorial integrity of countries.

The Government of the Bolivarian Republic of Venezuela notes with concern the attempts of certain States to obstruct the debate on the concept of the responsibility to protect, set out in paragraph 139 of the 2005 World Summit Outcome. In that connection, those countries have baselessly tried to maintain that that concept is a standard that can be applied without engaging in the necessary discussion. Our country fully agrees with those States that have expressed the view that the Security Council is not in a position to interpret or utilize that concept before a consensus has been reached in the General Assembly. Our Government highlights the importance of the work accomplished in this area by Mr. Edward Luck, the Secretary-General's Special Adviser on the responsibility to protect.

The protection of civilians in armed conflict and the prevention of humanitarian crises and the commission of grave crimes against humanity can be guaranteed only in an atmosphere of cooperation, good faith and strict compliance with international law.

Without the appropriate and timely provision of humanitarian assistance, civilian populations in situations of armed conflict are condemned to prolonged suffering that may even lead to their death. For that reason, Venezuela condemns deliberate attacks against any personnel who do humanitarian work. We deplore the fact that the occupying Power, Israel, has not provided the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) with the security conditions necessary for its humanitarian activities in Gaza. The attacks on United Nations convoys and facilities constitute crimes against human rights, and those responsible must be brought to justice under the relevant international laws. The Israeli authorities must be required to provide conditions of security so that UNRWA and the other United Nations entities acting in situ can continue to assist the victims of the mad violence unleashed as a result of the military aggression perpetrated since 27 December 2008.

Finally, the Bolivarian Republic of Venezuela reaffirms its commitment to the cause of peace and its willingness to debate, within the forum of the General Assembly, all measures aimed at the effective protection of civilians in armed conflict. We are convinced that it is within that framework that we can achieve genuine political commitment on the part of States to the development and application of the norms of international humanitarian and human rights law on behalf of civilian populations affected by armed conflict.

The President (*spoke in French*): I now call on the representative of Iran.

Mr. Al Habib (Islamic Republic of Iran): At the outset, I wish to thank you, Mr. President, for having convened this open debate at this critical juncture. I would also like to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his comprehensive briefing today.

The issue under consideration is of paramount importance, and this meeting is all the more important because it is being held at a time when the Palestinian people in the Gaza Strip are being subjected to one of the most heinous brutalities ever committed against civilians in the history of humankind.

Rather than making generalities about today's important topic, I, like many previous speakers, would prefer to address one of the most serious examples in that regard: the untold losses and suffering that the Zionist regime has inflicted on the defenceless civilian population in Gaza. We also hope that the current tragedy in Gaza will be duly reflected in the outcome of today's Council meeting.

Over the past 19 days, Palestinian civilians have been deliberately targeted and brutally mass-murdered by the ruthless Israeli war machine, which is callously shattering lives and livelihoods in the Gaza Strip. The abhorrent Israeli carnage and Israel's war crimes in the Gaza Strip are continuing unabated. The 1.5 million people of Gaza have been under a crippling siege and a brutal blockade for more than 18 months now and continue to be deprived of the most needed medical supplies and the most basic necessities — including even bread and drinking water — and are, at the same time, being massacred in the most horrendous and brutal ways, with nowhere to run, nowhere to hide and nothing to eat. Whole families are being eliminated in cold blood by the Zionist forces, and women and children, along with other civilians, are being deliberately targeted and massacred.

The humanitarian aid sent to the people of Gaza is being turned away by the Israeli regime and prevented from reaching its destinations, as in the case of an Iranian relief ship carrying 2,000 tons of basic medical and food supplies destined for Gaza, which was intercepted and prevented from continuing on its way to Gaza by the Israeli regime yesterday. We condemn that unjustifiable move and hope that the Security Council will exert pressure on the regime to cease and desist from such unlawful actions.

Even United Nations workers and the United Nations premises where innocent civilians take shelter are not immune from Israeli attacks, as we witnessed in the recent attack on schools of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, which claimed the lives of more than 40 people and wounded many more civilians, most of them children. Savage acts, such as forcing women, small children and other civilians out of their homes and then massing them all into a small place and machine-gunning or shelling them, are examples of the rampant atrocities being repeatedly committed by the Israeli forces in Gaza. Those revealed so far are really just the tip of the iceberg, and many other such atrocities are simply never reported because the international media are facing an Israeli ban and cannot cover the heartbreaking tragedies in Gaza.

The international community has no doubt that the Zionist regime is violating the basic principles of international law, international humanitarian law and human rights law and defying the most fundamental values for which the civilized world stands. Israeli forces are blowing away women and children in Gaza without a moment of remorse. As a result of those atrocities, many innocent civilians, including little children, have died horrible deaths, and the bodies of many others have not been recovered from the rubble because the Israeli military is shooting at anyone who attempts a rescue.

This carnage must be stopped immediately, and the Israeli war criminals should be brought to justice for the crimes that they have perpetrated and continue to perpetrate and for the outrageous and brutal pain and torment that they have inflicted and continue to inflict on the innocent people in Gaza.

Despite its commitment to the full and effective implementation of its resolutions on the protection of civilians in such circumstances, the Security Council has thus far taken no effective action to stop this genocide against Palestinians. The Security Council was first prevented by some permanent members from taking any action, and when it took action belatedly, the resolution it adopted, resolution 1860 (2009), did not address the expectations of the international community in, inter alia, forcing the Israeli regime to stop its atrocities against the Palestinians and withdraw from Gaza, or even in strongly condemning the Israeli regime's crimes against humanity and devising a mechanism for holding Israeli officials accountable for

the war crimes and genocide that they have committed and continue to perpetrate against the Palestinian people in general and in the Gaza Strip in particular. Even that resolution, as imperfect and belated as it is, is being totally ignored by the Israeli regime, as are many other previous United Nations resolutions, to which its response had been contempt and defiance.

We strongly condemn all of these Israeli violations of international law and urge the Security Council to force the Israeli regime to put an end to such practices and to its aggression. The international community should act swiftly to end impunity and to bring the Israelis responsible for war crimes, genocide, crimes against humanity and numerous other serious violations of international humanitarian and human rights law to justice. The Council has a vital and urgent responsibility to discharge in this regard in order to end these Israeli atrocities and crimes against humanity immediately.

The President (*spoke in French*): I now give the floor to the representative of the Sudan.

Mr. Mohamad (Sudan) (*spoke in Arabic*): At the outset, let me congratulate you, Sir, on your assumption of the presidency of the Council for this month and express our great appreciation to you for having devoted today's discussion to the theme of protection of civilians in armed conflict. Ten years have passed since the submission to the Council of the first report of the Secretary-General on the protection of civilians in armed conflict (S/1999/957), and two years have passed since the adoption of resolution 1674 (2006); we would like to commend Mr. Holmes for his statement on this subject. We hope that today's debate will lead to an objective vision on ways and means to protect civilians and, above all, to eliminate the causes of conflict, because, as they say, it is better to prevent than to treat.

We note with concern that civilians are not only victims of violence, flight and displacement, but are also victims of the latest technologies of death, including cluster bombs and phosphorus bombs, which has shocked the international community. This is particularly true in Gaza, where children, the elderly and women, and even fruit trees, are victims of death and destruction. The aggression against civilians in Gaza leads us to raise questions in the Council about the credibility of debates on the protection of civilians, and about the crocodile tears and double standards that we see.

In a number of reports, the Secretary-General has emphasized the importance of activating and enhancing the civilian protection capacity of United Nations peacekeeping missions. At the same time, experience and practice have shown that when there is no peace to be keep on the ground, peacekeeping operations, whatever their protection capacity, are restricted to looking out for their own protection, because what protects civilians, above all, is peace, which is something that everyone needs, as are disarmament, demobilization and reintegration programmes, and quick-impact development projects that can guarantee progress and ensure that civilians are able to leave displacement camps and return to their towns and villages, so that they can resume their normal lives.

For this, peacebuilding needs to be a priority for the United Nations so that the Organization is not be bogged down in dealing with the symptoms of conflict. We would also underscore that regional organizations have shown an increased capacity in this area because they understand the nature of conflicts and their causes and can thus add value. Here, we need to mention the decisions of the West Africa Conference on the Protection of Civilians in Armed Conflict held by the Office for the Coordination of Humanitarian Affairs (OCHA) in Dakar in April 2007, which addressed the role of regional organizations in protecting civilians, beyond their peacekeeping role.

Protection of civilians in armed conflict is a noble goal and a major priority. But we are concerned about attempts to use this principle for political purposes, including the broad debate on what is being called the responsibility to protect. We stress that the principle of the responsibility to protect, despite the fact that it was incorporated in the 2005 World Summit Outcome document (General Assembly resolution 60/1), is still the subject of differing interpretations by Member States, taking into account the Charter principles concerning State sovereignty and the full and unlimited responsibility of States with respect to the protection of their citizens.

We also recall that the duty to protect civilians in armed conflict is also one element in a comprehensive and interdependent set of rights and responsibilities set out in the 2005 Millennium Declaration (General Assembly resolution 55/2). Key among these are the

right to development, the prevention of conflicts, the eradication of the root causes of conflict, the fight against poverty, the right of refugees to return, and the meeting by donors of their commitments in the area of development.

That is why the protection of civilians needs to be part of a comprehensive approach based essentially on addressing the causes of conflict through an active United Nations role in support of initiatives towards political settlements and reconciliation, complemented by a parallel role for the Organization and its agencies in the humanitarian area and the spheres of sustainable economic development and reconstruction.

The protection of civilians is ultimately the responsibility of States, which is why we need to enhance the capacities of the States involved so that they can properly shoulder their responsibilities. We must not weaken the capacities of these States through sanctions or adventurist actions aimed at undermining peace and through other kinds of interference in their internal affairs.

The manner in which the United Nations addresses the disaster facing civilians in Gaza should provide an example of the expected role of the United Nations in the area of the protection of civilians.

We need to hear from those who talk at length of the need to fight impunity and genocide. We want to hear them speak of the events in Gaza.

The President (*spoke in French*): I give the floor to the representative of Pakistan.

Mr. Amil (Pakistan): First, we would like to thank Ambassador Ripert, Ambassador Lacroix and the French delegation for convening this debate during France's presidency of the Council. We would also like to thank Under-Secretary-General Holmes for his briefing.

It has been almost a decade since the United Nations began to systematically approach the issue of protection of civilians in armed conflict. Pakistan has been an avid supporter of these efforts. We have always espoused the calls for a comprehensive approach and system-wide coherence in effectively addressing the challenges related to the protection of civilians in armed conflict. This approach starts with prevention, and in that regard we have always emphasized the need to fully utilize and put into practice the Charter's provisions and mechanisms for the pacific settlement of disputes.

We believe that just, peaceful and durable settlements of conflicts require above all addressing their root causes. Where conflicts have erupted, Pakistan has also contributed in tangible terms to the international community's efforts to contain and resolve those conflicts. As the leading contributor of military and police personnel to United Nations peacekeeping operations, Pakistan has played its role in restoring peace and stability and creating the overall conditions in which civilian lives can best be protected. We shall continue our contribution in that regard.

There exist internationally agreed mechanisms, including international laws, rules and regulations, as well as responsibilities and obligations with regard to the question of protection of civilians in armed conflict. The issue at hand is not the lack of clarity or understanding, but the inability to implement these agreed mechanisms. This is the main focus of our intervention today.

As we take the floor one after another, restating or rehashing known positions or offering new ideas on the protection of civilians in armed conflict, I am sure we all realize that the world is watching us. As Gaza burns, the world is watching us. The world is watching this Council in particular with disappointment. For while this Council spends a day debating high-sounding moral principles and respect for international law, it has failed to carry out its own primary responsibility under the Charter for the maintenance of international peace and security.

For a debate of the Council on this issue, these are no ordinary circumstances. The 1.5 million Palestinians imprisoned in Gaza, collectively punished, callously persecuted, strangulated and blockaded for years by Israel, the occupying Power, have been subjected to a new deliberate campaign of terror, death and destruction, which continues for the nineteenth day as the entire world watches in horror and disbelief. The besieged people of Gaza, we must not forget, are mostly the Palestinians who were originally dispossessed and driven from their homes by the Israeli occupation. Under the blockade in Gaza, the choice given to them has been either to starve or to submit.

Over the years, stark and disturbing evidence has made it clear that civilians, particularly vulnerable groups such as women and children, continue to bear

the brunt of armed conflict and remain the prime victims in such situations. This is also the case in Gaza.

Less than a month ago, we celebrated the Universal Declaration of Human Rights and the international community reaffirmed its pledge to uphold the value of the Declaration. Yet one month after reiterating that "we will not shy away" from the magnitude of the challenges of promoting and protecting human rights, the Security Council appears unable to enforce compliance with resolution 1860 (2009) or to protect the innocent people caught in the ongoing conflict in Gaza.

Resolution 1860 (2009) also condemns all violence and hostilities directed against civilians and all acts of terrorism. Since the adoption of the resolution, the number of Palestinians killed in the Israeli aggression has increased to around 1,000; almost 40 per cent of the killed and the nearly 5,000 wounded Palestinians are women and children.

Empirical evidence throughout history shows that systematic and consistent violations of the rights of civilians are most frequent and pervasive in situations of foreign occupation and suppression of the inalienable right of peoples to self-determination. This holds particularly true for the people of Palestine and of Indian-occupied Jammu and Kashmir.

The challenges of addressing gross violations of international human rights and humanitarian law are exacerbated by the problem of inequity in the international response. While in some situations there is a quick and even a robust response, in others, such as Gaza, the perpetrators enjoy virtual impunity. The record of the Security Council itself in this context is not without blemish. In these circumstances, effective and swift application of the concept of protection of civilians in Gaza is a litmus test for this Council's future actions on this agenda item.

The Fourth Geneva Convention prohibits collective penalties and collective punishment of the civilian population. The responsibility of Israel, as the occupying Power, is clear in that regard. In the context of protecting civilians in Gaza, the international community must live up to its responsibilities, and in particular the Security Council should lead the efforts to implement its own resolution 1860 (2009). We strongly feel that deliberate violence against humanitarian and United Nations personnel helping to protect civilians is unacceptable in any situation.

We call for renewed determination to provide protection to all innocent civilians caught in armed conflicts and under foreign occupation, including those we see dying by the minute in Gaza as we speak.

The President (*spoke in French*): I give the floor to the Permanent Observer of the Holy See.

Archbishop Migliore (Holy See): My delegation welcomes the convening of this open debate on the protection of civilians in armed conflict. The Security Council has been dealing with this topic for more than 10 years, yet civilian security during conflict is becoming more and more critical, if not at times dramatic, as we have witnessed in these past months, weeks and days in the Gaza Strip, Iraq, Darfur and the Democratic Republic of the Congo, to name just a few.

The year 2009 marks the sixtieth anniversary of the Geneva Conventions. Inasmuch as the protection of civilians stems from the norms set out in these Conventions and subsequent Protocols, my delegation trusts that this new year will also provide the occasion for an assessment of the parties' commitment to ensuring protection of civilians through greater respect for the rules of international humanitarian law.

The 2003 update of the aide-memoire to the 10-point platform on the protection of civilians is an important tool for clarifying responsibilities, enhancing cooperation, facilitating implementation and further strengthening coordination within the United Nations system, and remains today more than ever an indispensable road map for bringing protection to civilians entrapped in armed conflicts.

The overwhelming mistreatment of civilians in too many parts of the world does not seem to be just a side effect of war. We continue to see civilians deliberately targeted as a means for achieving political or military gains. In the past few days, we have witnessed a practical failure on every side to respect the distinction between civilians and military targets. It is sadly clear that political and military designs supersede basic respect for the dignity and rights of persons and communities when methods or armaments are used without taking all reasonable measures to avoid civilians, when women and children are used as shields for combatants, when humanitarian access is denied in the Gaza Strip, when people are displaced and villages destroyed in Darfur, and when we see sexual violence devastating the lives of women and children in the Democratic Republic of the Congo.

In such a context, the protection of civilians not only requires a renewed commitment to humanitarian law, but also demands first and foremost good political will and action.

The protection of civilians must be based on the widespread, responsible exercise of leadership. That requires leaders to exercise the right to defend their own citizens or the right to self-determination by resorting only to legitimate means, and it requires them to fully recognize their responsibility to the international community and to respect the right of other States and communities to exist and coexist in peace.

The broad spectrum of mechanisms that the United Nations is putting in place to ensure the protection of civilians will be successful if, at the very least, it is able to foster a culture of responsible exercise of leadership among its Members and if it holds them, and every party to a conflict, accountable with respect to that sense of responsibility towards individuals and communities.

The increasing burden of war-related casualties and consequences imposed on civilians results also from the massive production and increasing sophistication of armaments and from continued innovation in that area. The ever-higher quality and ever-greater availability of small arms and light weapons, as well as anti-personnel mines and cluster munitions, tragically make the killing of human beings that much easier and more efficient. In that context, my delegation fully supports and encourages the objectives of the recent General Assembly resolution 63/240, entitled "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms", which defines the first important step towards a legally binding instrument on the arms trade and arms transfers. Likewise, my delegation welcomes the adoption of the Convention on Cluster Munitions and encourages countries to ratify that treaty as a matter of priority and as a sign of their commitment to addressing the issue of civilian casualties.

The President (*spoke in French*): I now give the floor to Mr. Holmes to respond to questions and comments raised during the discussion.

Mr. Holmes: The hour is late, and I will be brief. I will not try to respond to all the detailed points that have been made but will just make a few comments.

Obviously, I have listened very carefully to today's debate and to all the comments that have been made. I welcome the continued clear commitment to the protection of civilians agenda as being at the heart of the Council's work and the recognition by most, if not all, speakers of the need to do more to ensure that our words have more impact where they matter most — on the ground — to overcome what more than one speaker described as a disconnect what we may say in this and other chambers and the reality on the ground. I also endorse the point made by so many: that we need to do more to prevent conflicts and tackle their root causes, and not just talk about the effect on civilians.

Understandably, many, if not most, speakers emphasized deep concern at the situation in and around Gaza. Earlier, I gave some casualty figures for Gaza from 13 January. The reason I was not able to give fully up-to-date figures was that the Palestinian Ministry of Health had no power at the time. They have now released the latest casualty figures, as from, I think, 4 o'clock local time today, according to which the figure of Palestinians killed is now 1,013, of whom 322 are children and 76 are women. And the number of injured now stands a 4,560, of whom 1,600 are children and 678 are women. This means that one in every 270 people in Gaza has now been killed or seriously injured in the almost three weeks of hostilities.

These really are shocking figures. Although such comparisons obviously have their limitations, if we translated these figures to the population of New York City, the equivalent proportion would lead us to the number of more than 30,000 dead or injured; and if we compared it to the population of the whole United States, we would reach a figure of over 1 million people.

All this, again, underlines the sentiment expressed by so many in the Chamber today: that we need to do much more to ensure respect for the rules of international humanitarian law governing the conduct of hostilities and to spare the civilian population. But, as I think virtually all speakers emphasized, only a full and fully respected ceasefire will spare the civilian population, on both sides, from the unrelenting danger and fear that they currently face.

A number of speakers referred to the challenge of the implementation of protection of civilians mandates on the ground by peacekeeping missions, as I did in my

own presentation. Although we have been using such mandates as a means through which to enhance protection on the ground, I think we have all acknowledged that their actual impact has to date been mixed. So I welcome the acknowledgement by so many speakers of the need to provide peacekeeping missions with better guidance on how to translate these mandates into action. As I said, the joint study by the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations, which is looking at these issues, will of course be brought to the Council's attention later in the year, and we look forward to working with members to take the issues forward.

I am also encouraged by the support expressed in the debate for the expert group of the Council on the protection of civilians, which will meet this week for the first time. Let me assure those who remain concerned at the possible bureaucracy, cost or perceived duplication involved in this group that the expert group is very modest in nature. It is an informal forum for systematic consultation on protection of civilians concerns between the Council and OCHA. It has no cost implications but is simply a means of systematically and transparently relaying information, analysis and possible language on protection issues to all Council members. Its creation is certainly not an attempt to isolate protection of civilians issues from their wider context of conflict prevention and peacebuilding.

The expert group will also be able to play a role in ensuring more consistent application of the aide-memoire. I very much welcome the support which has been expressed for the aide-memoire and for OCHA's work in revising it. Let me thank, in turn, all Council members for their very constructive engagement in this revision process. I look forward to the aide-memoire's use in the future by the Council, and indeed by other actors. We certainly agree with those Member States that have said that it should be reviewed and updated regularly.

In that context, I also welcome the comments from those States that referred to the important role of regional organizations in the protection of civilians. We are working with a number of such organizations, including for example the African Union, the Economic Community of West African States, the European Union and NATO. And I would very much agree with the sentiment expressed by the representative of Uganda, that the aide-memoire should prove to be a useful vehicle through which to share the Council's experience on the protection of civilians with the African Union.

Let me make just two final brief points. First of all, at least two speakers — I think the representatives of Burkina Faso and Finland — referred to the importance of women's participation in all stages of conflict prevention and peace process: that is, having women at the table in all these areas. Let me take the opportunity to wholeheartedly endorse that thought and to express the wish that it will be respected more in peace negotiations and other forums as they go forward.

Secondly, and finally, a number of delegations welcomed the conclusion of the Convention on Cluster Munitions. Some also referred to the continuing work in Geneva in the framework of the Convention on Certain Conventional Weapons to try to reach an agreement in that forum as well. Let me simply express the hope that any agreement there will not mark any regression from what has been achieved in the Oslo Convention on Cluster Munitions.

I thank you very much, Mr. President, for the opportunity to address the Council. I also thank all speakers for their contributions and their support.

The President (*spoke in French*): I thank Under-Secretary-General Holmes for his additional comments. I thank him for his presence before the Security Council today.

Following consultations among the members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council reaffirms its commitment to the full and effective implementation of its resolutions on the protection of civilians in armed conflict and recalls previous statements on the issue made by its President.
>
> "The Security Council remains committed to addressing the impact of armed conflict on civilians. The Council expresses its deepest concern that civilians continue to account for the majority of victims of acts of violence committed by parties to armed conflicts, including as a result of deliberate targeting, indiscriminate and excessive use of force, use of civilians as human

shields and of sexual and gender-based violence, as well as all other acts that violate applicable international law. The Security Council condemns all violations of international law, including international humanitarian law, human rights law and refugee law, committed against civilians in situations of armed conflict. The Council demands that all relevant parties immediately put an end to such practices. The Council reaffirms in this regard that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians and to meet their basic needs, including by giving attention to the specific needs of women and children.

"The Security Council recalls the obligations of all States to ensure respect for international humanitarian law, including the four Geneva conventions, and once again emphasizes the responsibility of States to comply with their obligations to end impunity and to prosecute those responsible for war crimes, genocide, crimes against humanity or other serious violations of international humanitarian law.

"The Security Council recognizes the needs of civilians under foreign occupation and stresses further, in this regard, the responsibilities of the occupying Power.

"The Security Council condemns terrorism in all its forms and manifestations, however and by whomever committed.

"The Security Council underlines the importance of safe and unhindered access of humanitarian personnel, and of the timely, safe and unhindered passage of essential relief goods, to provide assistance to civilians in armed conflict in accordance with applicable international law. The Council stresses the importance of upholding and respecting the humanitarian principles of humanity, neutrality, impartiality and independence.

"Recalling that on 15 March 2002 the Security Council first adopted the aide-memoire annexed in the statement by its President (S/PRST/2002/6) as a means to facilitate its consideration of issues pertaining to protection of civilians and recalling further that in the statements by its President of 20 December 2002 (S/PRST/2002/41) and 15 December 2003 (S/PRST/2003/27), the Security Council expressed its willingness to update the aide-memoire regularly in order to reflect emerging trends in the protection of civilians in armed conflict, the Security Council adopts the updated aide-memoire contained in the annex to this presidential statement.

"The Security Council reiterates the importance of the aide-memoire as a practical tool that provides a basis for improved analysis and diagnosis of key protection issues, particularly during deliberations on peacekeeping mandates, and stresses the need to implement the approaches set out therein on a more regular and consistent basis, taking into account the particular circumstances of each conflict situation, and undertakes to remain actively seized of the matter."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2009/1.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7.05 p.m.